

Public Administration

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Local-Central Relations

The First Report of the Local Government Manpower Committee is a welcome sign of an improvement in the attitude of Whitehall towards local government. Agreement has been reached upon a number of relaxations in the details of central control and, more important, upon the broad methods which should be applied where central approval is required. But unless there is more in the report than meets the eye it is clear that the Departments have not been particularly forthcoming. The general approach is said to be: "To recognise that local authorities are responsible bodies competent to discharge their own functions..." Yet apparently even the most responsible and most competent of these authorities will continue to have to submit sketch plans for the Home Office approval for each new building project (police, children's and fire services) and sketch housing layout plans for the Ministry of Health's approval. And the atmosphere of discussion on the Home Office side can be gauged by the concession on the part of that Department not to require prior approval for purposes of their 25 per cent. grant "in the case of a scheme for the installation of hydrants where the capital cost does not exceed £500, provided that no departure is contemplated from prescribed standards."

The weakness of the Report from the viewpoint of local government is that the

Committee cannot deal with the fundamental issues involved in the relations between Whitehall and the Local Authorities. Its terms of reference are too limited and in any case quite a different kind of Committee would be needed. The whole level of the treatment would have to be raised. It is, however, only after a discussion of these wider issues that the proper administrative and financial methods can be settled. Thus the Report refers to Local Authorities "exercising their responsibilities in their own right" yet there is no attempt to analyse the character of these responsibilities and the pre-requisites for their proper exercise. A good deal is said of the position and needs of the central Departments and little or nothing of those of the Local Authorities.

Again, had a more general approach been possible, it would surely have led to a distinction being drawn between control necessary to achieve certain broad aims of central policy and control necessary for purely accounting reasons, e.g., because the Department was paying a grant towards the cost of the service. Much of the latter type of central control would not be needed if Parliament would only provide Local Authorities with additional independent sources of local taxation instead of these responsibility-sapping grants. In passing it is strange that the type of grant in relation

to the degree of accounting control required receives no consideration.

Criticisms of this kind should not, however, obscure the value of the Committee's report. Perhaps the Government will arrange for these wider

issues to be considered in the not too distant future. They are as important, if not more important, than the question of the revision of local government areas, which tends to receive an undue amount of attention.

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Gwilym Gibbon Research Fellowship

Nuffield College propose to elect a Gwilym Gibbon Research Fellow for one year in the first instance with the possibility of a further year. The Fellow will be required to devote his time to research into a problem of government. Preference will be given

to candidates with experience in the public service. Applications should reach the College Secretary by May 22nd. Application forms and further particulars can be obtained from the College Secretary.

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The Teaching of Public Administration in France

By PROFESSOR P. M. GAUDEMET

THERE has been a considerable development in the teaching of public administration in post-war France but the actual progress made has only been possible thanks to pre-war efforts. It is thus necessary for an understanding of the present position to bear in mind this gradual development.

Origins

A start was made in the teaching of administration with the appearance of modern administration. The law of Pluviose Year VIII laid the foundation of France's modern Administration; the law of 22nd Ventose Year XII made provision for the teaching of administrative law. From Napoleonic times the teaching of administration has taken two forms, still adhered to to-day. A juridical form, namely the teaching of administrative law as provided for in the Law Schools; a practical form, in the organisation of the "auditorat" of the Conseil d'Etat. Under the Consulate and the Empire the teaching of administration was however rather sketchy.

Article 1 of the law of 22nd Ventose Year XII prescribed: "In the Law Schools French public law and private law in so far as it concerns public administration will be taught". This provision remained a dead letter. The desire to unite public and private law into one and the same discipline was impracticable from the teaching point of view. Certain professors however, such as Portiez, did make the attempt but in vain. Because no special Chair was founded, the teaching of administrative law was abandoned. Moreover with the Administration still in the early stages of development its principles were only beginning to take shape.

The practical teaching of administration had a greater success. Napoleon understood the need for the technical training of young civil servants and he wanted to use the Conseil d'Etat for this purpose. The decree of 26th November 1809 on the organisation of the "auditorat" of the Conseil d'Etat made provision

for the training of civil servants. The young "auditeurs" were to learn the art of administration not only by attending university lectures but in the main by being attached to senior civil servants in and outside Paris, or even in the Armed Forces. The fall of the Empire prevented the experiment bearing full fruit. The Restoration suppressed the "auditorat."

These achievements by Napoleon did however express a need too urgent for them to disappear with the Empire. Under the constitutional monarchy his efforts were followed up. With the Restoration administrative law began to be taught in the Law Faculties and special lectures were given. Its introduction met however with some resistance. Would not the teaching of administrative law be useless, because too abstract? Or dangerous, because too precise? Or would not the authority of the Government be weakened in giving currency to rules which would be binding on the Administration? It is objections such as these that explained the reluctance to introduce in the Universities the subject of administrative law. A Chair of Administrative Law was founded in Paris, suppressed and then re-established. At Aix, as early as 1829 before the founding of the Chair in 1832, lectures in administrative law were being given gratuitously. We have to wait for the 1830 Revolution and the development of more liberal ideas for the increase in the number of Chairs of Administrative Law in the provinces. Yet the first professors made it clear that they would confine themselves to lecturing on positive law. They thought it rash to pass any comment on the administration. It was only gradually, with the lectures of Gerando and de Marcarel and the works of Cormenin and de Vivien that a theory of administrative law grew up and was definitely taught in the Universities.

But administrative law is only a part of administration. From this time on, it became apparent that a purely legal training was insufficient. Thus Marcarel's

lectures, and later on those of Aucoc were to deal with "The Administration and Administrative Law". Lawyers, public writers and politicians were demanding the teaching to be more comprehensive and the study of political science to be developed. It was at this point that Cuvier drew up a report which roused the Government. The Count of Salvandy, Minister of Education under Louis Philippe, was anxious about the reform of the study of law. He set up a committee of enquiry with special reference to the problem of the teaching of administration. Three solutions were examined: organisation of a department of Politics within the Law Faculties; the setting up of special Faculties of Political Science and Administration; the establishment of a special School of Public Administration. The Minister was in favour of the second or the third solution, but the Law Faculties were opposed to the setting up of new teaching establishments. The 1848 Revolution broke out before a decision could be taken.

It was the Second Republic which got the credit for carrying out the reform which had been under discussion for more than 10 years. One of the first acts of the new government was to issue, under the initiative of Hippolyte Carnot, Minister of Education, the order of 9th March, 1848, which declared that "a school, similar to the Ecole Polytechnique, was to be established which would prepare students for entry into the various branches of the Administration which up to now had not had any special training schools upon which to draw". This was the birth certificate of the School of Administration. It was only for a few months that it survived and it never came to be organised in any well-defined manner. As was the case with the Polytechnique, the students, who were recruited by open examination, had to be boarders, as that was considered best for their training. They attended special lectures given at the College de France and their own School. They could enrol in the Law Faculties to complete their legal training. Before they could be appointed to the Administration they had to be articled to some official for the purposes of gaining

practical administrative experience. The organisation of the School was soon altered; day scholars were admitted and it was made independent of the College de France.

The political evolution of the Second Republic was to deal the School a fatal blow. It had an enemy in Falloux, the Minister of Education, who proposed its replacement by a more comprehensive instruction in public law in the Law Faculties. This idea failed to gain acceptance and the law of 9th August 1849 abolished the School of Administration.

Once more the teaching of administration was confined to the lectures on administrative law as given in the Law Faculties. The idea of a practical training for civil servants came up again under the Second Empire. A decree of the 25th November 1858 reorganised the "auditorat" of the Conseil d'Etat. The setting up of a special School of Administration was considered, but the war of 1870 was to carry away the regime before it could be proceeded with.

It was private initiative which, at the beginning of the Third Republic, assumed the task of teaching the sciences of politics and administration. In 1871, Boutmy, with the help of a group of intellectuals which included Renan, Taine and Sorel, founded the Ecole Libre des Sciences Politiques in Paris. This school had almost a monopoly for three quarters of a century of the teaching of political science. The school gave a theoretical and practical training to future civil servants which they were unable to get in the Law Faculties with their purely legal teaching. It was a direct preparation for the entry by open examination into the Civil Service.

Special methods of teaching were used with great success. The teaching staff was made up of University professors and actual administrators: these latter including high departmental officials, auditors, members of the Cour des Comptes and of the Conseil d'Etat. The students were thus able to benefit from the experience of the officials whom they would one day succeed. Instruction was not limited to compulsory basic lectures; a large number of

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optional lectures averted the danger of uniformity and conformity. Practical work gave a concrete character to the studies.

The teaching of administration was, along with that of economics and finance, given most stress, and it was at its best in the department of Public Administration, in which those sitting the open examinations, especially for the Conseil d'Etat, gathered together. In this section compulsory lectures were given by members of the Conseil d'Etat on political affairs and on the organisation of the Administration, on economic matters in relation to the Administration, on regional, local and colonial government, on the public services and on public corporations. Optional lectures were also given on governmental action in the social sphere, and on foreign political and administrative institutions. Those sitting for the Conseil d'Etat did an extra year devoted to a more thorough study of administrative law.

The School was a great success. Besides being the nursery for the important State institutions, it also provided instruction for young people desirous of perfecting their general culture before devoting themselves to private business. The granting of scholarships enabled students who could not afford the high fees to attend the School. The founding of auxiliary centres at Lyons and Algiers increased its prestige, and in 1939 it had 1,800 students, of whom 350 were foreigners.

Nevertheless the School was open to criticism. Was it not paradoxical that the training of entrants to the public service was assured by a school independent of the State? Financed as it was by the fees of its students and the generosity of its patrons, could it be as democratic as it must be in the recruitment of State servants?

From its inception, these inconveniences were apparent. In 1876, a Bill was introduced by H. Carnot for the purpose of setting up a National School of Administration. In 1881, Jules Ferry wanted to integrate the School of Political Science with the University. The agreement reached with Boutmy

was not even discussed by the Chamber of Deputies. In 1936, the Popular Front government took up once more the idea of a School of Administration. A Bill was prepared. It came up against lively resistance—the Law Faculties feared the establishment of a competing school; the government departments were afraid it would be a blow to their individuality and public opinion was apprehensive lest it should give to the Administration a political bias. The Bill was voted by the Chamber but it came to nothing. On the eve of World War II the teaching of administration hardly went beyond the lectures in the Law Faculties and the Ecole Libre. In addition, in certain large cities, there was some provision for the training of local officials for the departmental and municipal administrative bodies. The 1945 reforms were going to alter this system by putting into effect the projects discussed for the past century.

Present Position

The reform of the Civil Service brought about by the laws of 9th October 1945 has kept intact the traditional dualism: the theoretical form, namely the legal teaching of the Law Faculties; and the practical form, considerably developed however, namely the instruction given in the Institute of Political Studies and the School of Administration. It has also contributed to the growth of organisations for research into and diffusion of the science of administration.

1. *The Law Faculties.*—In the Law Faculties the teaching of administration remains much the same. It is essentially legal and focuses attention on administrative law, which subject forms an important part of the curriculum. For the diploma of *capacite* there is a year's course in public law dealing with the rudiments of administrative law. In the second year of the course for the *licence*, there are compulsory lectures on administrative law, and in the third year there is at certain Universities a series of optional lectures, lasting half the year, treating certain aspects of legislation and administrative case-law. For the doctorate administrative law is the basic subject

in the "*diplome d'etudes superieures de droit public*"; and lectures are given on general administrative law and litigation in administrative matters (*contentieux administratif*). Particular aspects of the administration are treated in special lectures, for instance, the half-year's lectures on financial legislation and on the law of overseas territories, in the third year of the *licence*.

Instruction is given in the form of lectures and classes. It concentrates on legal problems arising out of administrative litigation and, generally speaking, gives a limited place to the practical problems met with in the running of the public services. In these last few years, however, an effort has been made to bring it up to date. The proposed reforms in the study of law give greater prominence to public law in general and administrative law in particular. The new instruction is already being given at some universities. Lectures on the legal structure of the mining and the hydro-electric industries, and on social legislation deal with particular branches of the Administration. Lectures on comparative administrative law consider not only the purely legal point of view but also the general problems of public administration. The Law Faculties are, however, by nature mainly concerned with the legal aspect of administrative problems. The political and social aspects are studied not in the Law Faculties but in the Institutes of Political Studies.

2. *The Institutes of Political Studies.*—Set up by the law of the 9th October 1945, these are to "co-ordinate and supplement the instruction given in the Law and Arts Faculties on economic, administrative and social matters, to train students in methods of work and preparing of reports, and to introduce them to concrete problems of administration and social life". The instruction given consists of lectures, seminars and practical work. The course lasts generally three years and there is a diploma at the end.

The Institute of Political Studies are a part of the University. The Principal and most of the teaching staff are drawn from the Universities. They cater not only for candidates to the

School of Administration who are the future civil servants, but also for young people desirous of finishing off their education in political, economic, administrative and social matters. As part of the universities, they come under the Department of Education. They enjoy however wide administrative autonomy and have a very free hand in the organisation of their curriculum.

The Institutes are nevertheless not ordinary University bodies. As nurseries of future civil servants, they must be under the influence of the Administration. Thus in each Institute administrative officials and the Director of the School of Administration sit along with representatives of the Universities on Advisory Councils for the Institutes, whose task it is to organise the teaching, so that they may keep a check on the methods of training the future civil servants. Administrative officials are often on the teaching staffs, and they direct lectures and practical work towards actual and concrete problems of public administration. The curriculum is fixed by decree by the Prime Minister and the Minister of Education on the advice of the Advisory Council and after consultation with the Council of the University. This complex system ensures that what is taught, while adapting itself to local possibilities, conforms with the needs of a good training in administration. It gives to each Institute its own character.

Two decrees of 9th October 1945 set up the first two Institutes of Political Studies; one at the University of Paris, the other at the University of Strasbourg. From that time onwards there has been an increase in the number of provincial Institutes. Today, the universities of Lyon, Grenoble, Bordeaux, Toulouse (and no doubt soon Algier) will have been endowed with one. In addition, in other Universities there are Centres of Political Studies which provide the basic lectures on political science without yet having the power to grant diplomas. There is thus a great diversity.

The Institute at Paris is the one among them which enjoys the greatest prestige. Administered by the *Fondation Nationale des Sciences Politiques* as set up by

the law of October 9, 1945, it inherited the assets of the *Ecole Libre des Sciences Politiques* which at its dissolution made the Institute its heir. It has inherited not only the premises of the School in rue Saint-Guillaume, but also its library, its documents, some of its Professors, and even its traditions and spirit. It is thus able to teach political science in general, and administration in particular to a very high standard. Being at Paris, it has a first-class staff. Besides those drawn from the universities there are those drawn from the main State institutions, who have been selected for their teaching ability and who provide invaluable assistance. Sometimes, the Institute calls upon foreign specialists who are particularly qualified to speak on the trends in political and administrative matters in their respective countries. Having at its disposal the resources of the former school of Political Science, the Institute possesses a mass of documents on the chief political, administrative and social problems. It is endeavouring to add to it and to complete it. Led in a modern spirit it has introduced new lectures. Outside the basic and compulsory lectures, the students have a multitude of special lectures from which to choose.

The teaching of administration given at the Institute is quite appreciably different from that existing at the time of the *École Libre*. The new method of recruiting civil servants has had to be taken into account. As a result of the abolition of special examination for each branch, candidates for the Civil Service are grouped into one section, the "Public Service." The establishment of the School of Administration has meant the dividing of the teaching between the Institute and this School. The latter is responsible for the more technical lectures previously given at the *École Libre*. The former carries on the more general instruction, and in fact the open examination for entry into the School of Administration is based on general subjects. Thus the compulsory lectures of the "Public Service" section do not devote much attention to administration, except in the lectures on "The Organisation of the State." On the other hand, it is treated in a large number of the

optional lectures—lectures on Public Law and Economics, the public trading services, litigation in administrative matters, the local administration in France and foreign administrative institutions. Other lectures without treating administration directly make room for administrative problems—such as the lectures on the French Union and on National Insurance.

These lectures are for the most part given by members of the Conseil d'Etat. They often take the form of "cours cadres" (skeleton outline); the Professor runs over the subject, giving a plan of it but only treats in detail the most difficult parts leaving it to the students to fill in the gaps by the use of text-books. Practical work completes the main lectures, and it is here that the students learn to work in groups. The Professor supervises their research work by helping with references, correcting their papers and organising debates.

The provincial Institutes have not the same facilities as that in Paris. They often have difficulty in finding civil servants capable of teaching. Led in the main by a University Professor they are more closely tied to the Faculties, whose premises and books they often use. These Institutes are, however, endeavouring to increase their autonomy and their prestige.

At Strasbourg, the Institute of Political Studies, under the direction of a Professor from the Faculty of Arts, is aiming to teach independently of the Faculties. It has, since 1948, organised lectures on administration distinct from those of the Law Faculty, under the title "Institutions of Public Law." The first year deals with constitutional and the second year with administrative institutions. They complete without duplicating the lectures on constitutional and administrative law given in the Law Faculty, and students often attend both. The problems seen from the legal point of view by the Law Faculty are dealt with in their political and social context in the Institute. The teaching is completed by seminars on methods. A special seminar on administrative law is put on for students enrolled in the "Public Service" section. Certain new lectures

give to the student a general view of matters hitherto studied in isolation.

At Lyon, it seems that the new Institute, in charge of a Professor of the Faculty of Law, has not yet acquired the same independence from that Faculty. In the preparatory year, the students follow the lectures in constitutional law and political economy given in the first year of the *licence* in Law. However, special lectures have been organised especially in the field of administration. The programme, while it refers students to the lectures on administrative law as given for the law degree, includes a special course of lectures on "The Organisation of the State, the local administrative bodies, and the main public services." Quite distinct from the Law Faculty lectures, it describes the structure and functioning of the government departments, the main administrative bodies and the local services and points out the actual principles of organisation and proposals for reform. It is rounded off by a seminar on political and administrative questions. Specialised lectures broaden the students' knowledge of administration—on comparative political institutions, on public finance, on the different economic regimes, on the French Union, etc. The instruction given is not confined to the problems of public administration; there are lectures on the management of business firms to introduce the students to the problems of private management. The Institute at Lyon is also able to innovate in its methods of teaching. It has been able to find officials capable of teaching, something which is rather difficult outside Paris. A sub-prefect is thus giving a course on trade unionism. To make the course more realistic visits are made to the public services, trade union organisations and factories.

It is also a Law Faculty Professor who is in charge at Grenoble. The course is complementary to the lectures given in the Law and Art Faculties. To avoid duplication no lectures on administrative law are given. The problems of administration are however treated in special lectures—one on the general theory of administration is given by a senior official from Paris whose co-operation the Institute has been fortun-

ate enough to secure—another on economic public law, left out of the Law Faculty curriculum, deals with the problems of the public services which are of an industrial or commercial nature. Another on comparative political institutions delineates the main features of administrative systems of foreign countries and the relations which unite political with administrative institutions. The methods of teaching in the Institute do not differ appreciably from those of the Faculties. The adoption of the system of "cours-cadres" from the Institute of Political Studies at Paris might however be mentioned.

The Institutes of Toulouse and Bordeaux are on a similar pattern. All these establishments, together with the Centres of Political Studies in most of the other Universities, disseminate throughout France the teaching of the sciences of Politics and Administration. In addition to their general cultural task, they aim at something more definite, namely preparation for the open competition to the National School of Administration (*Ecole Nationale d'Administration*).

3. *Ecole Nationale d'Administration*. Set up by the law of October 9, 1945, the National School of Administration not only marks an advance in the study of administration but is an integral part of the reform of the Civil Service undertaken after the Liberation. The School is responsible for the recruitment of future administrators and their necessary technical and moral training. The School is linked to the Government by being under the office of the Prime Minister. (On its Governing Council civil servants preponderate over men drawn from the Universities and elsewhere. Precautions are, however, taken to ensure the political independence of the School. The Governing Council is presided over by the Vice-President of the Conseil d'Etat. The Head of the School, nominated by a Cabinet decree, can only be removed on the request, supported by reasons, of the Governing Council. The teaching staff is appointed by the Prime Minister but he in fact merely ratifies the names put forward by the Governing Council.)

Charged with the training of officials for the Conseil d'Etat, the Cour des

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Comptes, the diplomatic service, the prefecture, public auditors and the civil service as well as for other administrative bodies or services as determined by decree, the School provides instruction in administration, directed towards practical ends. Its students are selected by an open competition, restricted to graduates and civil servants of five years standing. On leaving the School they are appointed to the Administration, and they must contract to stay in the public service for a period of 12 years. This is to say that there is no longer any question of giving to the student a general education in political and administrative matters, which must now be sought elsewhere, in the main in the Institutes of Political Studies. The School is meant to give practical and technical education. In order to allow sufficient specialisation the students are divided into four sections according to their future careers: general administration, economic and financial administration, social administration, and foreign affairs. All the sections adopt the same teaching methods: the lectures given in Paris are rounded off by a period of being articulated, either in the provinces or abroad. The course lasts three years.

In the first year the students after hearing a few general lectures, are articulated to officials outside Paris for a period of 10 months. Remarkably well organised under the meticulous control of the School, this period is meant to give to the students a practical knowledge of administrative life. Articled to wisely chosen officials, they are at one and the same time their assistants and their pupils. It introduces them to actual administration and the exercise of authority. And it is also supposed to have a moral value. Sent to provincial "prefectures," to North Africa, to the Saar, the student is taken out of his normal way of life and this is meant to strengthen his character. By new contacts his mind will be broadened and his personality developed. The preparation of a report at the end of this period gives him an opportunity to exercise his powers of observation and judgment. This first year in the training of administrators thus begins with the training of men.

The second year is a year of schooling. After the education of the man, the aim is a scientific and technical training. The students attend lectures in Paris and join in practical work. One part of the instruction given is meant for all students, another part alters with the particular section in question.

The general lectures are given mainly by University Professors. About 15 of them deal with some of the main political and administrative problems and their solution as adopted in France and other countries. We may note such lectures as: "Problems of the Civil Service in France and in foreign countries," "The organisation of the Social Services in France and foreign countries," "Problems of National Defence To-day," "The protection of individual and social liberties," "Legal institutions of Islam." The lectures special to each section are more technical and they are mostly given by civil servants or men with practical experience. For each section there are two series of lectures, the one dealing with a basic and general subject, the other very specialised. Thus in 1949, for the General Administration section one series of lectures was given by a *Maitre des Requêtes* of the Conseil d'Etat on administrative litigation, another by a barrister on the organisation of the judiciary in France and other countries.

In addition to lectures, practical work "should train the students to make enquiries, to make written or oral reports on questions concerning the subject matter of their section, to prepare decisions and to work in teams and on commissions." It is by such work that the student learns to perform the daily tasks of a civil servant, but it is in the third year especially that he practises his future profession.

The third year is a year of application. The students are grouped in divisions according to the employment to which they are allotted at the end of the second year. Thus there are divisions covering the Home Office, the Armed Forces, financial, economic and social affairs, the Foreign Office commercial attachés, and North Africa. The instruction consists of a period of being articulated and a period at the School.

The period of articles, which lasts a term, is served with a private firm. The student must get acquainted with the management of private business. His administrative training is completed by a knowledge of the functioning and needs of industry and commerce. This avoids the danger of the future civil servants becoming a caste unaware of the world of affairs. Personal and direct contacts between civil servants and the directors of private enterprise should better the relations between these two sectors of national activity.

The period at the School is taken up by practical work organised by divisions. This work is supervised by officials of the branch of the Administration to which the students have been allotted. They put the students in touch with the problems of the day and the reforms under discussion. They endeavour to place the students in situations in which they will find themselves when they leave the School. Thus the students allotted to the Conseil d'Etat practise handing down judgments and "conclusions" on matters submitted to them. Those destined for the Cour des Comptes practise auditing public accounts. About 15 subjects are handled in this way in each division. Most of them are compulsory. The students going to the Home Office for example must take part in the work on the use of police and troops and the maintenance of order, the organisation of the departments of the Home Office and of Education; the administrative and financial management of local and public bodies; the administrative, financial and judicial organisation of Algeria and the "*departements*" overseas; a more thorough study of administrative litigation; the law of associations; the property of the State; the penal system, and the problems of public assistance. In some divisions there are, in addition to this practical work, a few short technical lectures on administrative or social problems. Thus there are series of lectures on such special subjects as: the administrative and financial functioning of the French Union; the public finances of foreign countries; the role of the army; the administrative and financial structure of public transport. These lectures put a

final touch to a high standard of administrative training.

The outstanding position of the new *Ecole Nationale d'Administration* in the teaching of administration and its role in the training of senior civil servants must not blind us to the more modest position long occupied by those institutions which are responsible for the training of local civil servants.

France has long taken care of developing the ability of regional and local civil servants by giving them some instruction in administration, so that several large cities have Schools or Institutes charged with this task.

At Paris, a School of Local Administration trains municipal officials. At Lyon, an Institute of Administration attached to the Law Faculty prepares students for the local government service and the administration of the local hospitals. Instruction is provided by officials of the State monopolies and by local government officials which has resulted in an appreciable improvement in the standard of candidates for local government. At Strasbourg, a school of practical administration is run under the direct authority of the Prefecture du Bas-Rhin. The lectures given on a Saturday afternoon by Law Professors and civil servants explain the basic problems and the legal principles of administrative affairs. Even some small towns have managed to organise some instruction for their officials. At Wissembourg for example, a school of practical administration, without any help from a University, gives, under the direction of the sub-prefect, elementary lectures on the classical problems of the Administration. Finally, the teaching of administration has been extended overseas. The recent establishment of a School of Administration at Tunis shows France's determination to secure the technical training of civil servants in all the territories under her control.

All these achievements demonstrate the magnitude of the movement for the teaching of administration in France. But this movement can only be developed through scientific provision facilitating research and administrative studies.

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4. *Research Institutions.* The organisation of research into and the teaching of administration are intimately connected. The demands of the work done in the Schools are an incentive. In publishing the results of their research the teaching of administration is developed. The research has two essential aspects: the Study Centres examine the problems of administration; the periodicals publish research carried out and essential information in administrative affairs.

The Centre for Advanced Administrative Studies (*Centre des Hautes Etudes Administratives*) set up by the law of October 9, 1945, is at one and the same time a teaching and a research establishment. Attached to the *Ecole Nationale d'Administration*, it is run under the authority of its Director. Its essential task is to "improve the education of administrators who already have administrative experience." The courses arranged, which last from four months to two years, bring together officials having experience of the various branches of the public service. Grouped into three distinct sections, they study either the problems of the administration of France or the problems of the French Union, or the administration of nationalised industries. Each section organises talks and discussions. Those taking part, being of diverse origin, the work leads to fruitful syntheses. They have to undertake research and work of co-ordination, and the Centre supervises "les stages" and organises "mission d'études" overseas and in foreign countries. By these means the science of administration is developed at the same time that it provides for the education of those officials who take part.

Other establishments have a purely scientific and objective purpose. This is the case with the *Centre des Recherches Administratives* attached to the *Fondation Nationale des Sciences Politiques* and in liaison with the French Association for the Development of Administrative Science (French section of the International Institute of the Administrative Sciences). This Centre aims particularly to make known in France the experience gained and experiments made in administrative matters in foreign countries. It makes enquiries, drafts reports and

monographs, and organises conferences. Notably, it has published a report on the modernisation of Office Aids and Methods in public administration, and an important bibliography on the Civil Service. It studies the questions on the agenda of the International Institute of the Administrative Sciences.

The work of the *Institut Technique des Administrations Publiques* set up in 1947 must also be mentioned. This research centre disseminates critical reviews on the solutions of administrative problems, and provides documentation on public administration. It also organises enquiries and field work on questions of organisation and administrative methods, such as the organisation of "prefectures" and the salaries of civil servants.

Periodicals

The periodicals aid in the dissemination of the knowledge of administration. There are a large number of them, some old, others new.

Since 1878, the *Revue Générale d'Administration* published by the Minister of the Interior, has appeared, giving comments, the decisions of administrative tribunals, reports and documents on administration.

The *Revue du Droit Public et de la Science Politique en France et à l'étranger* was founded in 1894. Its director at that time, Ferdinand Larnaude, said: "the Review announces its programme by its title." In fact, produced by Law Professors, it has dealt more with legal problems than those of political science, concerning the organisation of the State. It has by its leading articles, by its reports on France and other countries, its reviews, and its analysis of the decisions of administrative tribunals, none the less made a solid contribution to the theory of administration.

Other revues which have made a contribution to the teaching of administration are more specialised. Their titles are a sufficient indication of their subject-matter. From among them we may mention: the *Revue des Sciences Politiques*; the *Revue des Finances Communales*; the *Revue de Science et de Législation Financière*, etc.

The *Revue Administrative* first appeared in 1948. It is bi-monthly, of about 100 pages, devoted to the problems of modern administration. There is an editorial, comments, notes on legislation and administrative case-law, the administration of the government departments, regional and local authorities and foreign countries. It informs its readers of the activities of the *Ecole Nationale d'Administration* and the research institutes. This review does not confine itself to the legal aspects of administrative problems and will no doubt play a predominant role in the dissemination of administrative science.

From among the specialised reviews of recent appearance may be mentioned the *Revue Juridique de l'Electricité et du Gaz*, founded in 1946 and devoted to the problems of these two major nationalised industries; and the *Revue Juridique et Politique de l'Union Française* published quarterly.

Conclusions

To sum up: the teaching of administration, for more than a century a pre-occupation in France, has been greatly extended since the Liberation. To-day the traditional legal teaching of the Law Faculties is fortunately completed by the more general teaching of the Institutes of Political Studies and the practical teaching of the School of Administration. No doubt there are imperfections in the system. The teach-

ing given in the Law Faculties would gain from being modernised and this is the aim of the proposed reforms. The Institutes of Political Studies do not always have a sufficiently wide choice of optional lectures; and their Directors are thinking of increasing them. The organisation of the lectures at the School of Administration has its weak spots but a gradual improvement is in evidence. The reform is still in the process of being run in and it is too early yet to judge the results.

Those responsible for the reform have been of the opinion that a purely legal instruction which neglected the political, economic and social aspects of administration was no longer adequate to modern times. They are right. The Administration intervenes to-day in too many fields for administrative problems to be considered as simply problems of law. Nevertheless legal instruction is still necessary for administration. Its strictness remains of the indispensable bases in the training of future administrators. It is the framework of most of the other administrative disciplines. This has apparently been realised especially in the Institutes of Political Studies. The 1945 reform has failed to give to the legal side of the teaching of administration its fair share. A reaction has already set in. For it has been realised that the neglect of legal principles would lead officials to arbitrary conduct and the State to tyranny.

The Idea of Responsibility in Government

By H. F. SUMMERS*

1. *The Responsibility of Servants*

The responsibility of an absolute sovereign is nothing else than moral responsibility and that is not what I want mainly to discuss in this essay. I want to discuss the responsibility of servants. Every servant has contractual duties, but not every servant has responsibilities: the difference is that in order to have responsibilities he must have powers as well as duties—powers of taking decisions. For example, if I say to a servant "do this" I am not giving him responsibility but merely a duty. But if I say to him "you may do either this or that, as you think best, in order to secure such and such an end," then I am giving him a responsibility. Further, the responsible servant does not merely have powers and duties, he has them in relation to the same end. For example, a servant may have a duty of doing exactly what I tell him from Monday to Friday, and a power of doing what he likes on Saturday, but that is not responsibility. The responsible servant has a power of making his own choices "from Monday to Friday," but his duty is to exercise that discretion for the attainment of certain generalised ends. Thus the powers and duties which make up responsibility refer to the same things.

They are moreover to a certain extent commensurate. That must be so, because if I widen the duties of a responsible servant I cannot but give him wider powers. If I say to him "you have hitherto been responsible for keeping my room clean, henceforward you are to look after my clothes too," clearly I must give him so much more discretion, as to when they are to be pressed, etc.; otherwise his new duties will not be responsibilities. The converse of this, however, is not true. I may widen his powers without increasing his duties—I may say: "you are still to see that the room is kept clean, but you need not consult me as to when to have the chimney swept."

To put it another way—to carry out a given duty responsibly, there must

always be conferred some minimum power of exercising discretion. The power can be widened without enlarging the duty but the duty cannot be widened without extending the minimum power.

There is, besides the duty and the power, a third element which seems to me an essential part of contractual responsibility—namely, answerability, or the rendering of account. I do not think a servant could be said to be really responsible, even if I gave him a general task and a discretion in how to fulfil it, unless I were also to call him to account afterwards. I wish to emphasise that word "afterwards." I may limit the servant's power, either by forbidding certain things beforehand (e.g., the spending of more than so much money) or by interfering from time to time; but neither of these things is essential to responsibility, indeed both detract from it. The calling to account afterwards is, however, essential to responsibility and does not detract from it.

2. *Responsibility in Government*

So much for a preliminary outline of what contractual responsibility means. I want next to consider what it means in government, and whether there are any laws about its exercise which arise naturally in that field. But still by way of preliminary I want to give my reasons for thinking that this question, however sketchily I may answer it, is one of the most important questions that can be asked in this country at the present time. My two reasons for thinking so are that, first, responsibility is an essential feature of a free organisation of society, and of a free organisation only; secondly, it is obvious that, in our country and in other "free" societies including the United States, there is taking place a movement away from the complete responsibility of private persons and towards the greater responsibility of large organisations and especially of governments and their employees. This movement, which is going on steadily from year to year, has

* Prize Winning Essay in the Haldane Competition for 1949.

been called from one aspect "the managerial revolution." The question what responsibility is, and how it should be assigned and exercised, is fundamental to a "managerial" age.

Turning in more detail to the first reason—a free society depends largely on trust between its members; a police state depends less on trust and more on force. If I trust a servant I give him discretion, but if I distrust him and rely on force I give him duties without discretions. Thus responsibility flourishes where there is trust, and withers where there is none. Of course there cannot be a complete absence of responsibility in a police state: the head of it must allow certain discretion simply because he cannot do everything himself. But in police states there are always purges; and purges are a sign that responsibility does not flourish.

Again as to the first reason: it is characteristic of free societies that the total amount of power exercised is very widely distributed—the government has some, Parliament has some, the judges have some, and some the people keep in their own hands. It is typical of police states that power is concentrated, the leader having all he can swallow and the people having only the leavings. But the conferring of responsibility is a means of distributing power, rather than of concentrating it. Therefore, for that reason too, responsibility is a natural phenomenon of free societies, and of them only.

Then as to the second reason—when responsibilities are being transferred from private persons to governments there is a special need for the study of responsibility as governments exercise it; but there has not been such study, or at least it has not been on the scale of very many other important fields of research. Moreover the study I am speaking of is not a study of *forms* of organisation, but of the way in which organisations function under those forms. We must remember, too, that all public responsibilities must be exercised by individuals. The case is not simply that the private person is resigning part of his powers and duties to a machine: for hundreds of thousands it is rather that the individual is beginning to exercise

in a public capacity, whether as Minister, civil servant, local government servant or state-enterprise manager, those very responsibilities which have been partly renounced by him as parent, patient, friendly-society member or private entrepreneur. Thus the study of public responsibility is, or should be, the study of the behaviour of persons in certain types of circumstances. This study cannot be entirely left to history, since the persons whose behaviour is in question must have something to contribute to it; and we are those persons.

3. *The Source of Responsibility in Government*

I start from the postulate that all governmental responsibility is a contractual relationship between the person exercising it and the people in general. (If the responsibility is a delegated one, the relationship is indirect, or second-hand). This postulate implies that the people are the sovereign body, and few perhaps would deny that when so stated. But we need to rub our eyes sometimes in order to see it in practice. The Government is more powerful than the people; it knows more than they do (with the exception of a few university dons and editors of weeklies); it commands them by order and wheedles or exhorts them by advertisements. Is it really still the servant and are they still the sovereign? I say yes, because sovereignty consists in a right, not in a power.

Blackstone, according to Sir Ernest Barker, succeeded in seeing that the basis of our constitution is the rights of individuals; but failed to see that those rights are the sovereignty; consequently he attributed sovereignty to various incompatible holders.

Hobbes allowed the individuals to have had the original sovereignty; but he ingeniously transferred it afterwards to the king by saying that they bargained with each other to surrender it to him. As the king was no party to the bargain he could not by any breach of it forfeit his sovereignty again, and thus for practical purposes the people could never get it back. This was better than divine right, for even God might have changed His mind. If we ask what

possessed them to do so foolish a thing, he explains that beforehand their lives were nasty, brutish and probably short. It was probably as good an excuse as he could have given.

Plato's ideal state was founded on a division of labour in which the élite were rulers and the people in general were ruled; and the rulers certainly did not receive their powers and duties from the people, nor were they to be accountable to them. And this idea of the state is by no means an obsolete one.

These theories suggest that the postulate from which I started is not a matter necessarily beyond any one's questioning, and therefore it can bear restating.

If the people are sovereign, it is they who confer the power and duty on the Government—this is the "mandate"—and they who call the Government to account—that is the next election. And it also follows from what I said earlier that when they give wider duties they must be regarded as giving wider powers too. That fact is often not appreciated. There has been in recent years an unending series of recommendations from Royal Commissions, departmental committees and unofficial committees which say that "the Government should" or "the Minister should" or that "Parliament should" do certain things. Yet it seems to be a matter of pained surprise to many that in accepting these recommendations the Government takes wider and wider powers. No other result, however, is possible.

For the remainder of my essay I want to discuss two main questions relating to these now very wide powers and duties—first what are the better and the worse ways of dividing up the total of Government responsibility; secondly, what psychological forces (if a layman may use that word) are observable in the exercise of these responsibilities.

4. *Division of Responsibility*

(A) First of all, responsibility may be shared, by which I mean that several persons in council may come to a joint decision. They do this in Parliament, in local councils and in committees, and the

reasons for doing so would seem to be—

(i) that people with varying experience may contribute their various knowledge;

(ii) that opposing points of view may be reconciled by debate or the weaker may acquiesce after a vote;

(iii) that the weight of the responsibility may be more easily borne.

Most people have an approximate idea of the reasons for assigning a given responsibility to an assembly, and of the typical problems which arise when they do; and in practice certain typical answers are found to those problems. But a systematic study might take the matter further.

For instance—(a) for an assembly to discharge its task it must work on the basis of certain implicit matters of agreement and certain more explicit matters of disagreement. But what degree of agreement and disagreement is necessary? Disagreement on foreign affairs and too much agreement on home affairs can be almost equally embarrassing to Parliament, and perhaps for the study of that problem we should turn to Sir Arthur Keith's theories of the evolutionary significance of a different attitude to members and non-members of a tribe respectively.

(b) There is a connexion between the size of an assembly and the particularity of the decisions it can adequately take; thus the House of Commons does not really discuss estimates when it purports to do so, but leaves the details to select committees and sub-committees; but I do not think there has ever been a quantitative study of this point.

(c) The responsibility of minorities in assemblies is perhaps usually viewed, in this country, in the way Locke views it (Cf. *Civil Government* II, section 96). But the Russians think it the duty of a minority, when a decision has been taken, to recant and abjure their former views. This is repugnant, but further study might show a variation in the position of minorities according to the type of responsibility discharged by the assembly as a whole.

(B) Next there is the method of delegation, in which the superior servant assigns part of his duty and resigns a corresponding part of his power to an inferior servant, and *he* likewise may do the same. How much of his duty may he delegate? Apparently any part up to the whole: but if he delegates the whole, he is (paradoxically enough) not left without responsibility himself. If he tells another to do his job, he still has the responsibility for its being done. And from this the law seems to emerge that *every delegation increases the total amount of responsibility subsisting*. That is clearly important either for evil (if the responsibility is badly assigned) or, as I hope to shew later, for good.

Besides retaining a responsibility in respect of the task delegated, the superior servant must be assumed to have a responsibility for the mode of delegation—that is for assigning the powers and duties well and calling the inferior servant to account for his performances. These points must be undergoing “laboratory” tests today as they have never done before, in the divisional and area formations of the nationalised industries and services. If the Government wished, they could throw much light on the theory and practice relating to delegated responsibilities by studying comparatively what is happening in these various new state enterprises. Perhaps the results would falsify much of what I am suggesting: the real point I wish to stress is the importance of the enquiry.

All the ways in which responsibility may be divided by a master between two or more servants may also be used by a superior servant when delegating. Delegation therefore, though I have treated it to a separate section, may also be concerned in the methods of division described in the following paragraphs.

(C.) There is a method of dividing responsibility by dividing the field—one person dealing with one subject or area, the next with another. This arises simply and obviously from the limitation of human time and capacity. The problem, as in many “fields”, lies in the “hedges”, which may be looked upon as being in both fields or in neither. There is too the difficulty arising from

the different treatment likely to be meted out in the different fields—a problem of co-ordination.

These two sorts of problems have each their cliché in common parlance—one is “passing the buck”, the other is “watertight compartments.” The fact that public and parliamentary criticism of government so often contents itself with these expletives is a melancholy proof how little the general laws of this subject have been studied. It is as though geometers were found re-discovering the theorem “Pons Asinorum” every second week.

(D.) In all parts of government it is becoming common to find a responsibility exercised over a very large field but subject to the intervention or veto of several other responsible bodies or persons. This naturally multiplies the complexities of the matter. Examples might be taken from the machinery of town and country planning control and the control of scarce materials. It is very difficult to produce positive results under such a form of responsibility; to secure negative ones is very much easier. Perhaps that does not matter so much with the control of materials, but it is the central problem of town and country planning.

These are the main ways in which responsibility can be divided; while none of them is without problems, circumstances may make one way much more unsuitable than another; for example, it would not take a very astute brain to see the danger of assigning very detailed executive work to a large assembly; of having a Minister for Northern England and another for Southern England; of making the daily decisions of a submarine commander in war subject to the advice of technical departments of the Admiralty. But if these examples are obvious it must mean that they are governed by general laws which might be worked out to a higher degree of accuracy than has yet been done.

5. Psychological Aspects.

My last topic is the psychological description of responsibility, and I introduce it with the question “what makes people work well?” There has been so much political debate about

profit and other motives that it becomes difficult to remember that motives are not the only causes of action—there is also a “vis-a-tergo,” the natural energy of human beings. One feels almost ridiculous in suggesting that adults are activated by anything other than carrots or ideals held in front of their noses. Surely a truer view is, however, that most people would put energy into their work *because they must put it somewhere*, if they were not held back by the boredom and frustrations of the work itself. In other words, the problem is not so much to start the motor but rather to release the brakes.

I do not mean that motives do not enter into the matter but that they are not the sole causative factors: they sharpen and direct the energy but do not create it.

The “profit motive” hardly enters into governmental activity—the profit is too small. Nor does “public spirit” enter into it in a continuous manner: it is not that public servants are less public spirited than others, but simply that this motive can never actuate anyone from day to day and throughout his work, but only at intervals and upon occasion.

It is the bearing of responsibility which must be, and is fully adequate to be, the motive in this case. It is the pleasure of exercising the discretion entrusted, together with the hope of earning praise and the fear of incurring blame at the rendering of the account.

These motives can be and often are robbed of much of their force by boredom and frustration. But in this field (whatever may be true of manual labour), if there is no frustration it is remarkable how little boredom enters into the matter. It is seen over and over again how zealously an apparently uninteresting task can be discharged where the responsibility is well assigned, and conversely how listlessly an apparently absorbing task can be discharged where the responsibility is ill assigned.

But the question is, “what do ‘well’ and ‘ill’ mean in this context?” First of all, and quite crudely, the duty given can be too big or too little. Then, a wide discretionary power subject to many checks and interventions dimi-

nishes the motive force of the responsibility, while often a power exercised over a very narrow field generates a surprising amount of energy if it is relatively unfettered. Or again, the relationship between the power and the duty may be wrong, that is, one may be too great or too small in relation to the other. Worse still is the constant alteration of the general task assigned or frequent and unpredictable interventions in the discharge of it.

On the other hand, the strictness of the subsequent account seems not by any means to impair the motive force. Thus, from this point of view, to alter the work of a junior is worse than to criticise him afterwards, and to approve it beforehand is worse than to commend him afterwards.

There is another side to this same point: frustration may occur not only by the intervention of others but by the practice of the responsible person himself in referring decisions to his superior when he need not do so. Yet the internal organisation of most administrative departments of government is a standing invitation to do this very thing. Day to day problems are placed before the junior officer who refers the more important or difficult to his senior for decision, guidance or approval. The superior may take the decision or again may refer to a higher quarter in the same way. The merits of the system are that the juniors are made to think about all the cases, the senior officers’ time is devoted to the more important and difficult ones, and the senior is seldom forced to betray ignorance of something which the junior knows.

These are no doubt great merits, but the defects are serious. The senior officers were once junior, and they grew up in the knowledge that they never need decide anything, and never should decide the more important and difficult things—these were to be “put up.”

I gave examples earlier of ways in which responsibility should *not* be divided because of the nature of the subject matter. Here I want to emphasise that the nature of the subject matter alone must not determine the division. Everyone requires, according

to his make-up, some optimum range of responsibility—more than so-much and less than so-much—and if the amount is rigidly fixed "with the job" it may fall outside this range. Thus we see often people succeed in one job and fail in the next, or one holder of an office succeed and the next one fail, and often it is because the assignment of responsibility has not been adjusted. Many people "make the job," that is, they bring about the adjustment, by their own force of character. But some who are not able to do this could yet do the job successfully if the adjustment were made for them.

Division of responsibility is most difficult where psychological factors are predominant. Although this is a commonplace, it often enough goes on being assumed that responsibilities must be assigned by reference to subject-matter only.

The point I made earlier in reference to delegation is relevant here also. If delegation increases the total amount of responsibility subsisting, as I say it does, it also increases the total motive force applicable to the work to be done; and, if the delegation is made so as to avoid frustrations, the wide distribution of power will not dissipate the total energy with which the power is exercised, but rather will increase it. According, therefore, as we have responsibilities well or ill arranged, we have an adequate or an inadequate motive for the proper discharge of the government's business.

This concludes my argument, which I have in many places put dogmatically in order to save space and the repetition of the phrase "it seems to me" or "it must be obvious."

Summing up therefore—

(1) There are three elements essential to contractual responsibility—a general duty, a discretionary power, and a subsequent accountability—and these elements have a certain relationship to each other.

(2) The study of these elements and their relationship, as applied to state activities, is of special importance in a free society at a time when governmental responsibilities are on the increase.

(3) The people in general are the sovereign body in relation to which all government responsibility exists, though this has been questioned in the past and does not always seem obvious at present.

(4) The various ways in which responsibility can be divided are surveyed and certain typical problems and general laws are suggested as applying to them, the main conclusion being that this is a fruitful field for systematic study.

(5) The state of mind of those who exercise responsibility is examined from several aspects and the relevance of these considerations to the assignment of responsibilities is emphasised. And, to conclude by a quotation, "The difficulties in Princes' Business," says Bacon, "are many and great; but the greatest difficulty is often in their Owne Minde."

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Enforcement of Technical Regulations

By J. B. W. ARMSTRONG*

It has generally been acknowledged as a guiding principle of law making that laws should be as clear, as readily understood and as readily enforceable as their purpose and content will allow. The multiplicity of regulations which govern modern life, though heartily disliked, is for the most part, however reluctantly, agreed to be necessary. The instinctive dislike of regulations on the part of the public and (*pace* the journalists) of those who have to work them out and enforce them is, however, increased if they are difficult to understand, if they are difficult for the ordinary citizen to comply with or if, where a breach of a regulation by another party may directly affect the ordinary citizen, he cannot readily detect it and be in a position to challenge it. A particular class of regulations where this difficulty is likely to occur consists of those which, though applying to or directly affecting the general public, impose restrictions or requirements which involve a technical test.

In this connection the term "technical test" is used in the widest sense meaning any kind of test which is necessary to discover whether these restrictions or requirements are satisfied and which needs something more than knowledge of the law, the five senses and an average judgment and requires, for example, some kind of measurement or analysis, or some modicum of acquaintance with science or trade practices. If we know the law (and we know we ought to), we know readily if we are complying with it in such matters as registering the birth of a child, paying the correct fare on a train or bus, and getting no more than our proper food rations. But we cannot be sure that the traffic indicator on our car satisfies the law except by getting a measure and determining whether it "alters the outline" of the car by at least six inches. To take another instance affecting car-users, when the commercial motor spirit regulation was introduced, it became an offence to have commercial motor spirit in the tank of a private car. This commercial motor spirit was

identifiable by a rare chemical invisibly mixed with it, and it was realised that spirit which merely contained the chemical could not be detected from ordinary spirit by the public although the Police could be given a special test paper with which to identify it. It was, however, decided to add a red colouring. This is a ready guide to the public, and but for this action there would undoubtedly have been wide outcry against a regulation under which the ordinary citizen might be imposed upon, or might commit an offence by sheer accident without having any practical means of forestalling it or even being aware of it. To distinguish with complete certainty between commercial and private motor spirit involves a chemical analysis in a scientific laboratory; with reasonable certainty, however, the answer can be found by applying the technical test of which the Police are in possession; and for everyday purposes it is enough to distinguish the colour, which may either, with the requisite knowledge of the indication given by the colour, be regarded as an extremely simple technical test or as the avoidance of any technical kind of test at all. (*Note.*—Recent prosecution proceedings in England and Scotland (taken since this essay was written) seem to show that it may not be possible to identify the distinguishing chemical in commercial motor spirit with "complete certainty", as against a number of related substances which give similar laboratory reactions; and the Ministry of Fuel and Power has had to amend its regulations to meet this difficulty. Neither the theme nor the accuracy of this paragraph on the use of colouring in commercial spirit is affected, however.)

Not all the administrative problems connected with making technical regulations workable are susceptible of so ready a solution even when they directly affect the general public (which is the present scope). These regulations for the present purpose can be divided into four groups. It should be noted that, while most of the regulations instanced

* Awarded joint third place in the Haldane Competition, 1949.

are actually Regulations in form, one or two examples refer to conditions laid down in some other manner by an authority acting under statutory power, or even to provisions of statutes themselves.

In the first of these four groups, although the subject of the regulation is in some sense or another technical, a direct test or check against offence is available. It may be noted, in dealing with this group, that individual members of the public, or of a large section of it, are involved in complying with many of the regulations concerned, as well as in suffering the consequences of non-compliance by other individuals. The radio set in the home must not be used so as to oscillate; but there is no difficulty with most sets in determining whether they are oscillating, because the user himself can observe the offending sound. To take another example, the regulations which are aimed at reducing dazzle from head lamps on motor vehicles proceed partly by prescribing the minimum height for certain lamps. No member of the public can have any excuse for claiming that he cannot make the measurements involved on his own vehicle. Even where these direct tests become more complicated, as, for example, in the elaborate descriptions of the different ranges of Utility garments which may be sold at certain maximum prices under Board of Trade regulations, we are still in the sphere where a direct test is available.

The second group to be distinguished is where, though a direct test may not be available, an incidental or rough test is rendered practicable. The action that was taken when the commercial motor spirit regulations were introduced has already been referred to and is an outstanding example. Again, the Motor Vehicles (Construction and Use) Regulations, 1947, merely prescribe that a motor vehicle must be equipped with a braking system in good and efficient working order which will under the most adverse conditions be sufficient to bring the vehicle to rest within a reasonable distance and to keep at least two wheels from revolving when the vehicle is not being driven or is left unattended. It is easy enough to ascertain whether the

brakes will hold a vehicle when it is at rest, but the test in the case where the vehicle when in motion has to be stopped by the brakes is more vague. "Reasonable distance" is not defined in the Regulations. The Highway Code, however, gives a table of the distances in which from given speeds proper brakes should bring a vehicle to rest on a good dry level surface, e.g. a vehicle travelling at 30 m.p.h. should be brought to rest in 45 feet from the spot where the brakes are applied (making no allowance for time for the driver's mental reaction to the appearance of a need for stopping his vehicle). While the Highway Code has not the force of law, it represents authoritative guidance which the vehicle owner disregards only at his peril.

With the third group of regulations we come to circumstances where the public cannot make the necessary test, and test or enforcement is supplied by a responsible public authority (other than the Police in the normal execution of their duty). This type of regulation is probably more frequent than the first or second group; the nature and method represent the true protective regulation which, without restricting proper forms of enterprise, seeks to save the public from sharp practice or carelessness on the part of purveyors of goods and services to the public.

An example of this is the appointment of Inspectors of Weights and Measures to inspect and test periodically scales and weighing machines used by retailers and others in their respective districts. Again, public service vehicles are periodically inspected by the Ministry of Transport to ensure that their construction satisfies the requirements of the relative regulations and that they are in a safe and fit condition for use by the public. Instances could be multiplied.

An official test may, however, be available although not called for by the regulation concerned. The public look to the Ministry of Food to enforce, by random sampling and analysis, various food quality standards, such as (to take one of the more mundane instances) the requirement as to the proportion of meat that must be contained in sausages. On the other hand, a similar purpose may in suitable cases be achieved without

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actual regulation simply by agreement with the manufacturers of particular commodities, for example the jam standards set up by the same Ministry.

An instance may be cited where an official test, not called for by a regulation, is provided to support the regulation and is also linked with an agreement with the manufacturers. The Road Vehicles Lighting Regulations of 1936, in accordance with an agreement with manufacturers of red reflectors for cycles, laid down as one of the conditions with which a red rear reflector carried on a vehicle must comply, that if placed 100 feet away from, and squarely facing, a source of light of 2,000 candle power, the reflector, when turned in any direction through an angle not exceeding $22\frac{1}{2}$ degrees, shall reflect a beam of red light of not less than one-thousandth of a candle power in any direction making an angle not greater than 3 degrees with a line joining the reflector centre and the source of light. The complicated light measurements involved are beyond the resources of even most manufacturers, and it is not laid down in the Regulations how the fulfilment of this requirement is to be secured or safeguarded in the interests of the public who are reflector users; but, in practice, it was arranged with manufacturers that they submit specimen reflectors to the National Physical Laboratory, who tell them whether the requirement is fulfilled and, if so, give them a certificate to this effect.

The fourth and final group includes the regulations the observance of which requires special knowledge or apparatus that the average citizen does not have, but is not backed by official enforcement arrangements. Manifestly, the law should not put duties on those who cannot reasonably be expected to discharge them, and in fact there are few of these with which the general public need trouble; most of them more directly affect the manufacturer or tradesman or professional man and the results can be taken on trust by the public, who do not measure whether the rear overhang of a motor-car is under 50 per cent. of the distance between the axles or whether their house-builder has complied with the local building by-laws.

There are, however, cases where the requirements of the law seem to defy any exact test at all, though appearing to apply one, and it is an example of this which forms the subject of the remainder of this note. In these cases the point is not the total absence of a definition or of a criterion which can be applied by the average citizen or by some official authority on his behalf. Where that is so we are reaching a realm other than the technical. There was recently an instance where it was decided by a local planning authority that, on grounds of amenity, a house should not be permitted to be erected with round windows on the ground that other houses in the district had square windows and that the proposed design did not fit in with the rural surroundings. This decision represented an *ad hoc* interpretation of what constitutes amenity, as to which the statutes and statutory instruments give no guidance, apparently, and which is therefore left to the good sense, practical and artistic, of the appropriate authority. There was therefore nothing technical in the issue involved. It is quite clear in fact that there was no accepted norm or principle either of architecture or common sense on which the decision could be justified and that it was a matter of individual judgment or even taste. This fact sharpened the other criticism of the decision, that this was another instance of what Lord Hewart, in his well-known book "The New Despotism", regarded as the "tyranny of officials" against which he fulminated and of which he said "there is no good reason why (Departmental) officials should have or seem to have the power of . . . giving a decision which an aggrieved person is unable to submit to the test of judicial enquiry". The only appeal from the decision of the local planning authority would have been to the Ministry of Town and Country Planning, and in any case the applicant for the round windows considered it was not worth the trouble and the delay involved in arguing the matter further.

The difficulty now to be discussed is of another kind. In Regulation 9 of the Road Vehicle Lighting Regulations of 1936, conditions are laid down under

which front lamps on road vehicles (other than the obligatory side lamps) may be used. One of these conditions is that if the lamp is permanently deflected downwards it must be deflected to such an extent that it is at all times incapable of dazzling any person standing on the same horizontal plane as the vehicle at a greater distance than 25 feet from the lamp whose eye level is not less than 3ft. 6in. above that plane. The importance of this condition is that it is the only attempt made to define dangerous dazzle in any way and is applied not only to a lamp which is permanently deflected but also to any other which shows a light when the dip-switch has been pressed by the driver, i.e., a lamp which is itself dipplable or a lamp which lights up in place of some other lamp which is switched out.

At first sight it would appear that such a condition represents a straightforward technical test and is easy of application. In practice, however, it is a more difficult matter. The first difficulty is that of determining the nature of the effect described as "dazzling". The optical faculties of different persons vary and what might dazzle one might not dazzle another. One could say on the other hand that, to some extent, any person looking at any light in the dark cannot fail to be dazzled to some extent, if by "dazzling" one means, as one naturally would, that on looking in some other direction the power of clearly seeing objects is seriously reduced; even a pinpoint of light will continue to show on the retina as an illusory speck if the viewer happens to have fixed his gaze on it for any appreciable time. Not only is there no accurate measurement of dazzle, but there is no precise description or current agreement as to the peculiar quality which distinguishes it from mere brightness.

An even more serious objection is that the definition does not altogether say what it means. It is admitted that when two vehicles pass one another in the dark with headlamps alight, though dipped, it is impossible for the driver of each to retain the normal power of seeing objects which are beyond the approaching vehicle. It is, in fact, a matter of degree whether a particular lamp is bright

enough to illuminate sufficiently the road ahead without blinding glare in the particular direction of the approaching driver or whether it is a danger. Commonsense at least suggests that the degree of dazzle which is permissible must be gauged on that criterion.

The vehicle owner has little or no guidance, therefore, as to how he can discover whether his lamp dazzles. What of the police or of the "other driver"—especially the latter, who in this case represents the public which is sinned against by an infringement of the law?

It may almost be questioned whether the test is in fact practicable in traffic. It is, in any event, impossible to get entirely fair conditions for its application, since road surfaces are never completely even, different drivers viewing any particular lamp have different optical faculties and different ideas of what is objectionable dazzle, and their view of any particular lamp may differ from second to second as it approaches. What is more important is that a driver, even if confident that an approaching headlamp is dazzling, and dazzling to a dangerous extent, can rarely do anything about it. Traffic not being stationary, it has passed him almost as soon as he has fully observed it, and, unless he is going about with a companion ready and quick to read the rear number-plate, he will be unable, without being reckless of his own time or safety, to discover the identity of the offending vehicle.

There are no doubt many examples of Regulations which appear to misfire in a similar way, but this is a striking one and some further observations on it are necessary.

It should be noted first of all that there is no question, as in some instances, of the layman being at a disadvantage compared with the expert in applying the Regulations to his own vehicle or to any other vehicle with which he is concerned in some incident. There is no further or more accurate mechanical or scientific test, direct or incidental, which can be applied under the terms of the Regulations, since there is no mechanical or scientific standard laid down.

Equally, the achievement of the same purpose by official periodic inspections or by agreements with manufacturers can be taken as impracticable. Vehicle lights, though part of the original equipment, are not items which the average owner cannot alter, and the individual owner may well have changed the setting (i.e. position or direction) of them, or altered the covering glass or the bowl reflectors or the strength of the lights, or have fitted additional lights, in each case with the risk of adverse effects on the road.

After all that can be said against this Regulation, it must equally be realised that at the moment there appears to be no question of discarding it. The problem of dazzle on the roads is an important one because it is held to be, directly or incidentally, the cause of many serious accidents. No alternative form of Regulations to achieve the same effect has yet been framed. Other means of reducing dazzle have been considered and some of them put into effect. The use of polarised lights probably offers the best theoretical hope of improvement but it seems to have been agreed in recent years that this hope was delusive and cannot be translated into practical progress. The Ministry of Transport have made it clear that they have been working, so far, on simpler lines which are frankly intended merely to reduce the danger and cannot be expected to eliminate it. On the one hand they have fixed a minimum height for pass lamps and other non-dippable head lamps and are proposing at a future date that all head lamps on new vehicles shall be placed with their centres not less than 2ft. 2in. from the ground. On the other hand, on the main traffic routes the aim is to segregate traffic flows so that lights from the line of vehicles proceeding in one direction are screened or otherwise prevented from inconveniencing traffic proceeding in the opposite direction.

Whatever these schemes for reducing the problem may have done it is still vital that there should be some effort at a direct approach to the problem. Whether or not the existing Regulation can at present be improved so that enforcement is rendered more practi-

cable, may be a moot point, but in some form there is no doubt that it must be retained. At the very least its value is educative. It forms an appeal to the moral sense of the motorist not merely to dip his lights but to see that when they are dipped they are not casting a glare and that they are set to show the greatest possible consideration for other road users. The ready enforceability of the Regulation may well be in doubt and from this point of view it is a dangerous precedent since the making of numbers of vague Regulations which cannot easily be enforced would be as bad, if not worse, as numbers of superfluous or pettifogging Regulations and lead to a contempt of the law as we have always understood it in this country. This is not to say that it is not enforceable.

Clearly, however, the facts on which an effective prosecution could be anticipated depend on the personal physical reactions of individual witnesses and to take an effective prosecution no doubt means therefore that there must be no bare infringement of the letter of the Regulation. In other words, it may be surmised that only flagrant offences will usually be pursued. As the returns of offences relating to motor vehicles made to the Home Office and published by them do not show offences under Regulation 9 separately from other lighting offences, there is no statistical guidance on the point.

The fact that a law or Regulation is primarily exhortative or that it depends partly or wholly on the physical or mental judgment of individuals is no objection. Offences such as the use of defective tyres or careless driving, which are not further defined, show the reverse. What is perhaps incongruous about the present example is that although in fact it relies on an individual judgment or perception it is couched in terms which suggest that it is a scientific technical affair. The public feel therefore that they are being expected to conform with something which is above their understanding or ability to comply with while unable to obtain the protection they expect in such circumstances.

In the growing complexity of modern life, the products of scientific application

will ever increasingly surround the individual and his home and be at his disposal in the causes of labour-saving, health or pleasure. As they multiply, so in proportion will the risks, not only for the user, and the interference with the amenities of others which certain types of these devices are sure to involve—witness the history of the motor-car and the radio; and correspondingly the law will endeavour to provide safeguards. Most of these safeguards will be matters for the manufacturer and distributor, but the using public must expect to shoulder larger responsibilities and the form of the regulations embodying them will be increasingly important.

This essay suggests that in framing

such regulations there is special need for care. Regulations involving technical tests should be avoided or these tests should be of the simplest; they should be clearly worded and should avoid complicated formulæ, especially where the formulæ would not in fact amount to an accurately determinable standard; the tests should be readily applicable in all normal cases where the "other fellow" may be offending. If these desiderata cannot be achieved, the feasibility of an official check against infringement should be considered, much as any increase of interference by officialdom (and of rates or taxes as a result!) is in principle to be deprecated in these already over-regulated times.

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Robert Morant and Michael Sadler

By D. N. CHESTER

Sir Robert Morant is almost the only Permanent Secretary whose full dress biography has been written. This is not altogether due to his great abilities or to his influence on the Civil Service; there have been other civil servants whose abilities and influence have been greater but whose biographies are unlikely ever to be written, and indeed their names are little known to the general public. Morant was a civil servant whose name caught the limelight on several occasions—the Education Act of 1902, resignation in 1903 of Michael E. Sadler as Director of the Department of Special Inquiries and Reports and the Holmes Circular episode of 1911.

Michael E. Sadler (created K.C.S.I. in 1919) died in 1943. A Memoir¹ has now been written by his son, Michael Sadleir, the author. As was to be expected it is a readable and sincere account. Sir Michael Sadler (or MES) lived a long and full life. He had a great reputation in educational circles for 50 years and he took a major part in the development of several institutions and movements. He was successively one of the first Secretaries of the Oxford Extension Delegacy; first Director of the Department of Special Inquiries and Reports at the Department of Education; Professor at Manchester; Vice-Chancellor of Leeds University and Master of University College. He devoted a great deal of his time to public affairs, principally University and general educational affairs. It is unfortunate therefore that Mr. Sadleir's account of his father's distinguished career should be marred by an unbalanced and rather bitter account of Sir Robert Morant, his character and his relations with Sir Michael Sadler.

The story that emerges from the son's Memoir is broadly thus. Sadler as Director of the Department of Special Inquiries and Reports appointed Morant "out at elbows, subdued and humble". At first the relations between Sadler and Morant were very friendly. A year after Morant's appointment to the Department he was offered the Chief Inspectorship of Schools in the Federated Malay

States and Mrs. Sadler was moved to write in her diary "Great blow. Morant may be going to Malay. Can't think what we shall do without him". Morant refused the offer and instead went to Switzerland where he learnt German and gathered the data from which he wrote his report comparing the Swiss and English systems of education. (It was this report which gave the first official hint that the secondary education activities of the School Boards might be *ultra vires*.) From Zürich Morant wrote to Sadler "Let me say, and believe me, that I am indeed and in truth your most loyal and devoted adherent . . . In your every step, alike with your general attitude and principles in the work, I am truly your most whole hearted follower and adherent, and if I may say so, friend." The son's comment on this is that "at the time he (Morant) meant every word he wrote, and as genuinely as, a few years later, he meant the knife between the shoulder-blades to kill."

During this same year (1896) Sir John Gorst (Vice-President of the Department) had introduced the Education Bill which was withdrawn by the Government after strong criticism in the House. Sadler played an important part in preparing the provisions proposed for secondary education and he and Morant apparently worked in close harmony with Sir George Kekewich—the permanent head of the Department. Apparently the happy relations between Sadler and Morant continued until about 1899, but there is little about the period 1897-8 in the son's Memoir.

In June 1899 however occurred an incident "for which MES was in no way responsible, of which he had in advance no knowledge, which nevertheless seriously affected his work and happiness. Sir John Gorst . . . applied to Kekewich . . . for the temporary release of Morant from his present duties, and his attachment to Gorst as personal assistant during the debates on a new Education Bill." In this the writer of the Memoir sees the beginnings of an intrigue which was to lead Morant

in three years to the Permanent Secretaryship and Sadler to resignation and a Chair at Manchester University. Why of all officials under Kekewich, was this junior official chosen? From whom had Gorst heard of Morant? Gorst and Kekewich were now on bad terms and therefore Gorst's choice of an assistant "would naturally fall on one willing to work against Kekewich, if it paid him to do so". Moreover Morant's only experience of Bill-drafting had been as Sadler's assistant. Five months later Gorst's private secretary resigned and Morant took his place. Morant however still continued to be nominally attached to the Office of Special Inquiries and Reports. The son writes that this last fact points the way "to the next stage in the progress of this inexorable *arriviste*. It irked Morant to remain on paper a subordinate member of MES department. This vexation was conveniently removed when in August 1900 he (Morant) was appointed to a Senior Examinership in the recently created Secondary Schools branch of the Board . . ." and continued as private secretary.

By this time Sadler was suspicious and critical of Morant. Apparently he was annoyed at his becoming Gorst's private secretary. Sadler had expected to become head of the newly created Secondary Education branch but instead it went to the Hon. W. N. Bruce. To show the atmosphere of the time in the Sadler household it is only necessary to quote from one of Mrs. Sadler's letters to her husband "I am glad that Morant is not coming back to you, but I wish he was going out of the Department altogether. He will only do mischief. What does Senior Examiner mean? Will it give much scope for intrigue and wire pulling? I should be afraid it might. It is horrid of him writing just as he was leaving London, but of course he funks seeing you."

The next item in the plot according to the son is Morant's transfer to Balfour. Gorst had been making many political enemies. "His faithful secretary, therefore, realising that there were ships likely to prove more seaworthy, contrived a 'quiet personal talk' with Arthur Balfour, First Lord of the Treasury and Leader of the House.

This meeting was followed by others; and when in March 1902 Balfour introduced the new Education Bill, he had been fully and skilfully briefed by his assiduous courtier." Now the plot thickens for in July Balfour became Prime Minister. "The moment for ruthlessness had come, and Morant without hesitation seized it. Acting as usual under the cover of a more powerful name, he persuaded Londonderry [now President of the new Board] to write to Balfour declaring Kekewich incompetent to carry out the Government's educational policy." Londonderry added "I want a really good man, thoroughly acquainted with the Bill, and to my mind Morant is the man".² This was August 29th. In November it was announced that Morant was to be the new Permanent Secretary of the Board. And so the son comments: "The story has a horrid fascination. The technique of these seven years of adroit and shameless aggrandisement might serve as a model to any aspiring bureaucrat, blessed with the lack of scruple, the timing and the nerve of Robert Morant. The man had genius, but it was genius *détraqué*."

Five months later Sadler resigned from the Board of Education. The main reason given by the son is that Morant was determined to subordinate the Special Inquiries Section to the rigid control—both financial and administrative—of the Permanent Secretary, whereas Sadler wanted the freedom promised him when he first entered the Department. The dispute caused a considerable stir in educational circles and led to the issue of a blue book (Cd 1602) and a long letter from Sadler to *The Times*. But though this was the main reason given in public the underlying reason was clearly the incompatibility of Sadler and Morant. Sadler's intense dislike of Morant emerges clearly from the Memoir. In 1911 for example Sadler put on private record a lunch discussion with a former colleague "We agreed that the appearance of people like Morant was a mark of the festering decay of English government in its present form. He (the colleague) told us that the appointments to the staff of the Board of Education during

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recent years had been unscrupulously made."³ And the son quotes Mr. Chuter Ede's remarks in the House of Commons on 8th February 1944 as presumably the "accepted official view of Morant's contribution to the cause of national education". Mr. Ede, who was then Parliamentary Secretary to the Board of Education, said "Then we had the misfortune that, when the Act of 1902 was passed, its administration was left to one of the greatest autocrats who ever dwelt in the Civil Service—the late Sir Robert Morant, of whom it was said 'He was not unprincipled but he was unscrupulous'".⁴

It would be most unfortunate if the reader of the Memoir were to be left with such a one-sided account of Morant. The son admits he is frankly partisan and to do him credit he includes a short but fairer account of Sadler and Morant by Sir Hugh Orange. The story of Morant and the Education Department has been well told by Mr. Bernard Allen⁵ and there is no need to go over the ground again. But the following points must be made as a corrective to Michael Sadleir's Memoir.

First, the Memoir gives the impression that Sadler was much the more senior person and that Morant was just a junior. The facts are that Sadler came up to Trinity in 1880 and Morant to New College in 1881. Sadler took a first in Greats in 1884 and Morant a first in Theology in 1885. Sadler, however, had a first in Mods. as against Morant's third. (Morant had to spend most of his vacations tutoring in order to obtain the money to stay up.) Sadler was appointed to be Director of the Department of Special Inquiries by (Sir) Arthur Acland who had just become Vice-President of the Department of Education. (Acland was a great friend to Sadler, helping him in many ways; Sadler had succeeded Acland as Steward of Christ Church.) When appointed in 1895, Sadler was barely 34. He appointed Morant a month or so after becoming Director; Morant was then 32. It is therefore misleading to talk as though in 1899 Morant was so much junior to Sadler. They first appear in the Imperial Calendar for 1896 as Director and Assistant Director of the

Department of Special Inquiries and Reports.

Second, there is no need to make any special mystery out of Morant's appointment as Gorst's assistant and private secretary. Sir George Kekewich has told the story of this appointment. After explaining the peculiar and erratic temperament of Sir John Gorst, Kekewich goes on⁶ "His queer aberrations made him unpopular in the office. His excellent private secretary . . . gladly left him to fight in the Transvaal, . . . and no Examiner was at all anxious to fill the vacancy; though it was a position which was usually much coveted, as it carried an additional salary of £150 per annum, and sometimes led to promotion. When he found that he was boycotted, Sir John came to me in some trouble and suggested, as a way out of the difficulty, that Mr. Morant, who was assistant to Mr. Sadler . . . might be appointed. Sir John asked if I had any objections, as (except in the case of Mr. Cumin) no such arrangement had ever been made before, the private secretaryship to the Vice-President having always been considered one of the indefeasible rights and perquisites of the Examiners; and moreover, the highest staff of the Sub-Department to which Mr. Morant belonged consisted of himself and Mr. Sadler only, and the absence of one of them would necessarily be exceedingly inconvenient, and limit the output of valuable special reports. I felt, however, that the Vice-President should not be driven to appoint some one from outside the Office, who would know nothing of its work, and therefore be of little assistance to him and a nuisance to myself, and I finally consented."

But Mr. Sadleir asks how Gorst heard about Morant. The answer is simple.

The Department of Education was very small in those days. At this time it had a Permanent Secretary, four or five Assistant Secretaries, some 20 First and Second Class Clerks, as well as sundry Examiners, Directors (including a Directress of Needlework) and Second Division Clerks. Morant a very tall commanding looking man inevitably

caught the eye in such a crowd. Moreover, he and Sadler had worked for Gorst on the ill-fated 1896 Bill.

There is, however, an additional link through Canon Barnett and Toynbee Hall. Robert Morant first applied for permission to reside at Toynbee Hall in the Summer of 1884 (the first residents came in December 1884). He did not actually reside there however until April 1895 owing to being in Siam. John Pimlott in his history of Toynbee Hall writes "Robert Morant (a friend of Cyril Jackson at Oxford and recommended to Sir John Gorst by the Barnetts). . . . It is not without significance that his superiors and colleagues at the Education Department in the 'nineties . . . included at least three who were prominently associated with Toynbee Hall: Arthur Acland, Sir John Gorst, Michael Sadler."⁷

Incidentally Sir George Kekewich's story really explains Morant's appointment as a Senior Examiner, for the office of private secretary to the Vice-President was regarded as a perquisite of the Examiner class. The Examiners inspected the reports of the H.M.I.'s who really did the examining. Examiners were appointed by the Minister usually upon the nomination of some M.P. Kekewich himself was nominated by his father who was Conservative M.P. for Exeter. They were, however, usually men with a First at Oxford or Cambridge (Kekewich thought he got his appointment because his file showed him to have a First whereas he obtained a Second). Even so the choice was haphazard and there is a lovely account in Kekewich's book of how the Duke of Devonshire chose an Examiner, and this was almost 50 years after the establishment of the Civil Service Commission. Apparently the Examiners were the cream of the Department. Kekewich entered the Department as Examiner at the age of 26, was Senior Examiner at 30 and Permanent Secretary at 49. Sir Henry Craik who was the Permanent Secretary for the Scottish Department was Examiner at 24, Senior Examiner at 32 and Permanent Secretary at 39. Morant's career in the Department is thus less peculiar than would appear at first sight.

As for his relations with Balfour it is true that Morant asked Dr. Talbot (then Bishop of Rochester and Warden of Keble in Morant's time at Oxford), who was a great friend of Balfour to arrange a meeting, which he did (Allen, p. 155). His biographer says that Balfour was much impressed by Morant and this is supported by Mrs. Blanche Dugdale in her life of Balfour. It is also true that Balfour was not Ministerial head of Morant's Department. But Balfour as Chancellor of the Exchequer had been a member of the Committee of the Council and was a member of the new Board of Education.

Also Morant had worked for the Cabinet Committee which had considered the Government's educational policy. At this stage it is desirable to outline the position of education prior to the passing of the 1902 Act. The 1899 Act had unified the central administration but the Department was too new to have developed any strong corporate life. Sir George Kekewich the Permanent Secretary, was 60 in 1900, and, according to Sadler, was not inclined to fight very hard. The two major problems which had to be handled in any Bill for reorganising education were—the claims of the School Boards and the financial position of the voluntary schools. Kekewich, and apparently Sadler, supported the School Boards which were however opposed by the rising forces represented by the new County Councils and County Boroughs. The religious issue was highly political. Only a resolute and persuasive Minister backed by all the resources and ingenuity of a united Department could have got a satisfactory Bill through the House of Commons. Gorst had neither the necessary support in his Party nor the ear of the House of Commons. His relations with the Permanent Secretary were bad and the Department was split on the School Board issue. Had this situation continued the local education system would have continued in that way for many years or else would have been patched up in some way. Yet by December 20, 1902, an Education Act was on the Statute Book which settled the framework of English education for over 40 years and was generally hailed

as a great step forward by educationalists. This was the work of Balfour and Morant and no other combination of Minister and civil servant possible at that time could have secured that result. If Morant had not excited Balfour's interest and enthusiasm, if he had not been such a tremendously hard worker, if he had not helped to hasten the course of events which led to the Cockerton Judgement and if his personal capacities had been less the Act would not have been passed. Similarly, if Balfour had not been so fired, so resolute and such a consummate Parliamentarian, Morant's efforts would have been useless. One has only to study the history of this period to appreciate the powerful forces inside and outside the Department against the 1902 Bill. And the battle was not yet over. Mr. Lloyd George (then a young Welsh M.P.) and others had given notice of their intention to fight certain of the provisions by any means in their power. There was a tremendous administrative job ahead. Can it be wondered at that Balfour (now Prime Minister) and Londonderry (President of the Board) should want Morant to be at the head of the Department. Kekewich was already over 60.

In those days the appointment was wholly in the hands of Ministers, the Permanent Secretary of the Treasury was not formally concerned. Morant was 40, he had great qualities, his knowledge of education in this and other countries was extensive, he had worked closely with Balfour through every moment of the 1902 Bill and he had negotiated with and had the support of a wide range of authorities in the world of education. One can only admire the system of promotion which led to such an appointment.

The following extract from Beatrice Webb's diary for April 1902 gives a vivid picture of the situation as seen through the eyes of Morant:

"April 1902. Friday's Hill.—Sidney had Morant to stay here. Morant is the principal person at the Education Department. He has occupied the most anomalous position the last six months. Taken into the office as a nondescript in a humble capacity some years ago,

Gorst picked him out for his private secretary. In that way he became acquainted with the politicians—Cabinet Ministers and Conservative private members, who were concerned with Education Bills and education policy. Presently these folk—specially the Cabinet Ministers, found him a useful substitute for Kekewich (permanent head), who was deadily opposed to their policy, and even for Gorst with whom they were hardly on speaking terms, the situation being complicated by the fact that Gorst and Kekewich were complete incompatibles, having no communication with each other! So Morant has been exclusively engaged by the Cabinet Committee to draft this present Bill, attending its meetings and consulting with individual members over clauses, trying to get some sort of Bill through the Cabinet. Both Kekewich and Gorst have been absolutely ignored. Neither the one nor the other saw the Bill before it was printed. Just before its introduction in the House, Morant wrote to Gorst saying he assumed he 'might put his name at the back.' Gorst answered: 'I have sold my name to the Government; put it where they instruct you to put it!' Morant gives strange glimpses into the working of one department of English government. The Duke of Devonshire, the nominal Education Minister, failing through inertia and stupidity to grasp any complicated detail half-an-hour after he has listened to the clearest exposition of it, preoccupied with Newmarket, and in bed till 12 o'clock; Kekewich trying to outstay this Government and quite superannuated in authority; Gorst cynical and careless, having given up even the semblance of any interest in the office; the Cabinet absorbed in other affairs, and impatient and bored with the whole question of education. 'Impossible to find out after a Cabinet meeting,' Morant tells us, 'what has actually been the decision. Salisbury does not seem to know or care, and the various Ministers, who do care, give me contradictory versions. So I gather that Cabinet meetings have become more than informal—they are chaotic—breaking up into little groups, talking to each other without any one to

formulate or register the collective opinion. Chamberlain would run the whole thing if he were not so over-worked by his own department.'"

This picture is borne out by a candid article in *Truth* of August 15th, 1901, headed Chaos in the Education Department, and reproduced by Kekewich as Appendix IV to his autobiography.

We now come to the retirement of Sir George Kekewich. There is ample evidence to show the very strained relations between Kekewich and Gorst and even other Ministers. Gorst attributed the failure of the Education Bill of 1896 to Kekewich and the Board of Education Act of 1899 was framed without his aid (p. 102). It must also be remembered that Arthur Balfour nearly ruined his political career by accepting, as Leader of the House, an amendment to the 1896 Bill. Kekewich's own story of his retirement is as follows.

He wanted to continue in office. "I was only just sixty-two years of age and in full health and vigour. But I had committed two crimes, one against the Office and the other against the Government of the day." His crime against the Office was that of being Secretary for too long: several men thought they had a chance of becoming Secretary and under the circumstances they thought they had a perfect right to intrigue and misrepresent the present Secretary "a too common attitude in the Civil Service." His crime against the Government was to warn them that the non-conformists would object vigorously to paying for the Church schools.

"... at the beginning of October 1902 Lord Londonderry... sent me a message that he wished to see me, and at our interview he communicated to me the desire of the Government that I should retire. I naturally asked the reason. He replied that the Government wished to put someone in my place whom they could rely upon to administer the Act of 1902 in accordance with their views. ... Londonderry added that he wanted somebody who was "a glutton for work," a phrase of which he seemed somewhat proud, as he kept repeating it." Kekewich replied

that he had always intended to leave the Department at the end of March (1903) and Londonderry asked him to stay until then so that he might qualify for his full pension.

It is clear from Kekewich's subsequent history that there was some justification for Londonderry's attitude. He admits that he was a convinced opponent of some of the features of the 1902 Act. He had remained a member of the Junior Carlton Club though earlier he had felt strongly enough to go to the Secretary of the Club and ask him whether he should resign as he was now a Liberal. The Secretary said he need not resign. However on leaving the Board of Education he resigned from the Junior Carlton and became a member of the Reform Club, being proposed and seconded by Mr. Asquith and Mr. Arthur Acland. Within 10 days of his retirement he had been selected as Liberal candidate for Exeter and was successful at the 1906 election.

The Education Bill of 1902 was the occasion of most bitter party controversy. I suppose the nearest comparison in recent years is the Iron and Steel Bill, but one's impression is that politics were much fiercer then than they are now. It would seem that some of the officials in the Department of Education got mixed up with politics. (It must be remembered that Sadler himself was brought in by Arthur Acland and had strong Liberal leanings.)

The Department was split into rival camps and no Minister of any sense would attempt to face fanatically strong political and public opposition with a disunited senior staff.

A great deal has been written about the resignation of Sadler as Director of the Department of Special Inquiries and Reports. There is the tendency as in this Memoir to pick out Morant as the wicked giant and Sadler as the good victim. Unfortunately for Morant he continued as a civil servant until his untimely death in 1920 and therefore never had a chance to defend himself. But the papers on the case published in 1903 are there for all to read.¹⁰ Sadler's memorandum (at p. 65) on the position his Office should occupy is a first class exposition of the position any research

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and information unit should occupy. And Sir William Anson's¹¹ notes (at p. 61) show that he was concerned to allay Sadler's fears. But Sadler was probably right in suspecting that henceforth the activities of his Office would be more subject to Departmental control. For hitherto much of his freedom had come from operating within a Department which was a thing of bits and pieces without any strong unifying force. Sadler's fears and anxieties have been experienced by many who since then have tried to operate research units inside the normal Department. Academic freedom which was really what Sadler wanted is not compatible with Ministerial and Departmental responsibility. Sadler was quite right to get out but to blame the situation on Morant is to misunderstand the nature of the problem. Any modern Permanent Secretary of the Department might be pardoned for showing concern at having within his Department an Office one of whose chief aims was to publish under the authority of his Department reports "informing the nation how it stands in regard to educational efficiency as compared with other nations"¹² especially if such an Office was headed by somebody so powerfully uncompromising as Sadler.

The implication in Michael Sadleir's Memoir is that Morant did all he did for personal aggrandisement, that he climbed to the top on the backs of his friends, that he was an "unscrupulous arriviste". Now let it be admitted at once that Morant was unorthodox and was not averse from intrigue. It has been said of him that if there was no one else to intrigue against he would intrigue against himself. But it was not intrigue against the personal careers of individuals or on behalf of his own career. Many can testify to his great kindness. He was concerned with causes and with getting things done. There is a very revealing passage in a letter he wrote from Siam as a young man, "I lately overheard someone

remark that I was ambitious. It never struck me before for one moment. I only was keen to do everything I could and try to improve everything that I could get into my hands, simply because I hate to see things go needlessly wrong; and yet one is perhaps mixing up, unconsciously, a little human grasping at power. Yet it is most foolish, and I hope I don't do so much."¹³

Sir Henry Bunbury who, of course, knew Robert Morant well has said of this 1899-1903 period:

"Conduct so unconventional in a civil servant—and a comparatively junior civil servant at that—can be justified only if two conditions exist: necessity, and complete personal disinterestedness. Judged by these criteria, defence of Morant's action succeeds. In the situation that existed, and had long existed, no other course could have rescued English education from the patchwork muddle into which long years of unimaginative handling at the centre had allowed it to grow. Vision, courage, and constructiveness were needed, and they had to be sought there, and there only, where they could be found. As for disinterestedness, no man could be less ambitious for himself, or more ambitious for his cause, than Morant. If at this time the possibility that within a few months he would be called upon to succeed, as permanent head of the department, the chief whose policy he had defeated was present to his mind—and it is unlikely that it was—no one who knew him could suppose that his actions would be in the least degree influenced by that possibility. His interests began and ended in the cause."¹⁴

Morant made mistakes and he made enemies: all of us are guilty of such things. But he was a great man. It is not necessary to blacken his character in order to be fair to Sadler. Both in their different ways made their contribution to the development of English education. There let it rest.

¹ *Michael Ernest Sadler*, by Michael Sadleir. London, 1949 (Constable), pp. 424. 20s.

² Londonderry added "Sir William Anson . . . quite agrees with this view." (Allen, p. 186.)

³ From Sadler's record of the same conversation comes a 'version' of how Morant was appointed. Balfour sent Morant to inquire of Sir Henry Craik (then Secretary of the Com-

mittee of the Privy Council responsible for Scottish education) whether he would accept the Secretaryship of the Board. Craik said he would carefully consider such an invitation when it reached him but could not say 'yes' at the moment. Morant told Balfour that Craik had said 'no' and so Craik heard no more about it and Morant was appointed (*Memoir*, p. 193). This story at third hand is difficult to reconcile with such facts as Balfour's liking for Morant and the important position Morant had established for himself. Moreover Craik had spent all his life in the Scottish Dept. where the educational problems and tradition were different. The Scottish Dept. was not reorganised until several years later. According to his biographer, Sir Henry Craik was "Temperamentally irascible [and] did not always find it easy to appreciate an opposite point of view." (*D.N.B.*, 1922-30, p. 217). Craik was 56 in 1902, left the Civil Service in 1904 and became Member for Glasgow and Aberdeen Universities in 1906. For Balfour's view see *Arthur James Balfour*, by Blanche E. C. Dugdale.

⁴ It has become popular in certain educational circles to blame Morant and his Wykehamist views for the way Secondary Education developed after 1902 (cf. John Graves (a Sadler supporter) in *Policy and Progress in Secondary Education*, 1902-42 (published in 1943). Fashions in education change and it is easy to be wise after the event. Moreover it should be hardly necessary to point out that Morant was Permanent Secretary for only eight of the 41 years which had passed when Mr. Ede spoke. He was a civil servant and not a Minister. Between 1903 and 1944 the Board was headed by a long list of Presidents and Parliamentary Secretaries and had had several Permanent Secretaries. And Morant had not been at the Board for 33 years. It is also very difficult to see the connection between the charge of being unscrupulous and the development of technical education.

⁵ *Sir Robert Morant*, by Bernard M. Allen. 1934.

⁶ The Education Department and After p. 101. Among Sir John Gorst's more endearing characteristics was his habit of riding to his office on a brilliant red bicycle.

⁷ *Toynbee Hall* by J. A. R. Pimlott (1935). See also Bernard Allen at pp. 106-7.

⁸ Sir Amherst Selby-Bigge has said that the appointment was "not only appropriate but inevitable." (*D.N.B.* (1912-1921), p. 386.)

⁹ *Our Partnership*, by Beatrice Webb, pp. 239. This book contains several references to the close contact between Morant and the Webbs. Sidney Webb had been a strong supporter of the 1902 Act. Beatrice Webb's diary reveals that Morant was very interested in the Webb's proposals for Poor Law Reform and that the Webbs (and apparently Winston Churchill (p.437)) wanted Morant to succeed Provis as Permanent Secretary of the Local Government Board. This was in 1909 (i.e. some time before Morant was forced to leave the Board of Education). John Burns, however, appointed Monro much to the Webbs annoyance who regarded it as "A set-back for the Webb influence" (p. 443).

¹⁰ Cd. 1602. Copies of Memoranda and Minutes were published in considerable detail and throw a fascinating sidelight on the working of the Civil Service at that date. Even small matters of staffing came up to the Minister.

¹¹ Anson was Parliamentary Secretary and also Warden of All Souls.

¹² Cd. 1602, p. 66.

¹³ Quoted by Bernard Allen, p. 64. See also Sir Amherst Selby-Bigge's appraisal of Morant's character in the *D.N.B. Supplement* for 1912-21, from which I need quote only the following: "To Morant administration was a great adventure. He had a passion for making the instruments of public service more effective, and was consumed and destroyed by it. . . His methods were quite unorthodox and they challenged criticism from which he never shrank. He was ambitious, not of his own advancement, but of establishing the dominance of the ideas which dominated him. . . ." P. 387.

¹⁴ PUBLIC ADMINISTRATION, January 1935, p. 84. Compare also Sir Henry Bunbury's judgement: "Morant was a great administrator, a great organiser, a master of administrative technique. Yet he bore no resemblance to civil servants, of less unconventional type, for whom the same claim could be made. He was no model for the young civil servant to found his style upon. His mind and temper were essentially bureaucratic; his methods peculiarly his own. He swept through Whitehall like a tornado; but he knew how to build, and his achievements and his influence will endure."

Social Services in Canada

By BARBARA N. STANCLIFFE

To describe the social services of another country is to invite comparisons with one's own. But the comparison must be carried further, to those differences in social structure which not only affect the need for particular social services but to a large extent determine how they shall be administered.

Canada is a large country with a small population—now about 13 million. It contains only 16 towns with populations over 50,000. The rest live in small communities or in remote, sometimes barely habitable, territories. This makes centralised administration of social services not merely hard to achieve, but often inappropriate, remote, slow moving, and irresponsive. It also means that the upkeep of railroads and highways constitute a heavy initial burden on public funds.

Not more than 50 per cent. of present day Canadians are of British stock. In French Quebec a different culture and the influence of the Roman Catholic Church have created something like a state within a state, while other European groups (Germans, Ukrainians, Poles, etc.) have settled in the Prairie Provinces. Such heterogeneity adds to the problem of securing concerted action.

Old people represent 10 per cent. of the population as compared with Great Britain's 15 per cent. The Canadian labour force is estimated at five million, of whom one in five (a decline from two in five at the turn of the century) are in agriculture. In non-agricultural industries four in five are paid employees, in agriculture not more than one in eight. More than 50 per cent. are farmers without paid workers. Social security measures must be adapted to meet the needs of this large group of self-employed. Geographic movements of workers create special difficulties because of the distances involved. "Transients" (homeless men in search of work) became a serious problem in the '30's when men were on the move out of the prairies into Ontario and B.C. Special measures may be needed again in the future, for mobility of labour is essential if new

natural resources are to be developed and the labour needs of rapidly expanding industries are to be met.

A large part of the country's wealth is concentrated in Ontario and Quebec. Social services involve redistributing incomes between people, and this in Canada means between Provinces. It can only be done by national grants, financed by national taxes. Ontario and Quebec still share with the national government the right to levy direct taxes and have not yet agreed to forego their constitutional right as have the other Provinces and this shortens the national purse for social services. Nor is the principle that grants should take account of varying Provincial needs and capacities to pay well established, though the "per head" basis hitherto customary has been considerably modified in special cases.

Finally, there are the problems set by the federal constitution. The British North America Act did not have much to say about social services apart from making education and "hospitals, asylums, charities and eleemosynary institutions" provincial subjects. The wide range of welfare services which have grown up since 1867 have been interpreted as falling within section 92 of the Act, which sets out the role of the Provinces and includes among their "exclusive powers" residual powers concerned with "property and civil rights". Thus the Federal Government may assist financially but not, without amending the constitution, administer. Unemployment insurance, the National Employment Service, family allowances and Veterans Affairs are almost the only nationally administered social services.¹ The Provinces welcome grants and in general welcome advice, but administrative control of the kind we are used to in this country is looked on with disfavour.

SOCIAL SECURITY

In most of the Canadian Provinces, as in certain states of the U.S.A., there is no basic poor law system imposing a general obligation to relieve the destitute. Nova

Scotia and New Brunswick early adopted the English poor law system, but this was before it came under the reforming hands of Edwin Chadwick. In New Brunswick today, with a population of under 500,000, relief is still administered by 150 parishes. Quebec has never known a poor law of any kind and general relief is left to the church. In Ontario, Saskatchewan and British Columbia general Municipal Acts enable the municipalities to make "suitable provision for the poor and the destitute", but these powers are permissive not mandatory. In Ontario the Province makes a grant to its municipalities of 50 per cent. of the cost of relief given to the "unemployable unemployed", but expressly excludes the able bodied. Complicated residence qualifications, every variety of means test and, in the smaller towns and rural communities, lay administration add to the inadequacy of this system of basic relief, which is still far from being rendered unnecessary by other forms of economic security now available for particular groups of people.

Every Province has two special assistance schemes. Old Age Assistance for persons over 70 is supported by the Federal Government which contributes 75 per cent. of the cost of pensions up to a maximum of \$40 a month. Blind persons are eligible for the same assistance at an earlier age. It is recognised that more should be done for the aged and among the proposals now being discussed are that the qualifying age should be reduced to 65, that a national pension should be given to all over 70 without a means test, and that a contributory scheme should be introduced. Mother's Allowances are given to widows or mothers whose husbands are unable to support them because of serious physical or mental handicap. These Allowances have more in common with the American Dependent Children's Allowances than with our widow's pensions, and are financed entirely by the Provinces.

Family budgets are now strengthened by the particularly generous children's allowances introduced by the Family Allowance Act of 1944. The allowance varies with the age of the child (\$5 per month for a child under 6 to \$8 for a

child 13—16). The first child is not excluded as in our scheme and the reductions formerly made in allowances for all children after the fourth have been abolished. The average payment received by families with eligible children is \$13.57 per family or \$5.95 per child. This scheme alone is costing the Dominion Government over \$270 million a year.

Those suffering from industrial injury or disease are on the whole well provided for by Provincial schemes of Workmen's Compensation. The Ontario Workmen's Compensation Act of 1915, which at the time earned something of an international reputation, was copied rather faithfully by most of the other Provinces, saving Prince Edward Island which is still without any scheme at all. The principal features of the system are:—administration by a special commission, a pooled fund to which employers contribute according to the risks of their industry assessed by the commission, coverage for industrial workers only, and benefits which include compensation for injured workers and survivors, medical treatment, rehabilitation and help in finding new employment. It is interesting to note that 60 per cent. of the cases of the Ontario Workmen's Compensation Board receive medical treatment only.

The introduction of any form of contributory insurance on a national basis requires an amendment to the British North America Act, which is perhaps why the Federal Government has not favoured the contributory method of meeting the insecurities of old age, sickness and widowhood. An amendment was, however, made in 1940, to enable the Federal Government to introduce a national scheme of unemployment insurance. This is administered by the Unemployment Insurance Commission which was also made responsible for the National Employment Service. The Insurance Scheme is, as in this country, financed by contributions from employers, employees and the state, but follows America in relating contributions and benefits to wages and in excluding agricultural and domestic workers and certain government employees. Benefits vary from \$4.08 up to

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\$14.40 per week for a maximum period of one year.

There are proposals to extend the coverage and to raise the lower rates of benefit. Even so this will not meet the needs of the long term unemployed. Failure to agree as to which of the three levels of Government should be responsible for unemployment assistance is leading to much individual suffering in Canada even to day, with a high level of employment. Most municipalities refuse relief to any able bodied man. The Department of Public Welfare of the wealthy town of Toronto was until quite recently exceptional in allowing money for food (but not shelter) to the unemployed, but subsequently withdrew even this measure of assistance. Such cases of unrelieved destitution are to be found all over Canada.

In brief, Canada has now a variety of social security schemes but no social security system; and while there is undoubtedly a general disposition to give more generous assistance to the sick and disabled, to old people and children, and party politics can be made of promises of improved schemes, the theory of a National Minimum does not cut much ice. The Marsh Report on Social Security for Canada published in 1943, dealt with Canada's social security needs à la Beveridge, but was not acclaimed with the same enthusiasm, nor given the same nation wide support as our Beveridge plan. One is left with the feeling that many Canadians are not yet convinced of the need, and not a few have serious misgivings as to the wisdom, of the State accepting the ultimate responsibility for the abolition of want by a plan "all embracing in scope of persons and needs" to quote the Beveridge report.

HEALTH SERVICES

A recent estimate of expenditure on health services showed that the private citizen still bore directly over 80 per cent. of the cost. The Federal Government has until recently been paying an infinitesimal proportion of the cost (only \$1½ million in 1943). But in March 1948, the Federal Government appropriated \$30 million to be allotted

to the Provinces for the development of their health services. Compared with previous expenditures this is a substantial sum, and it is hoped that this national money may be used in such a way as to reduce some of the great inequalities in the quantity and quality of health services available to different groups of Canadians, inequalities which are partly due to differences in personal incomes and partly to differences between urban and rural areas.

The existing health services have been developed and their cost to the individual reduced or abolished by methods with which we are familiar in England—poor law and public health legislation, health insurance and voluntary action. There is a common pattern of Provincial grants to hospitals and of statutory obligations on the municipalities to contribute towards the cost of caring for "indigent" patients. In return for these grants and payments the hospitals, which may be municipal or non-profit institutions, are required to admit all patients needing care. Lack of any substantial income from endowments and the measure of public control which comes with the Provincial grants has made for less distinction between voluntary and municipal hospitals than was the case in this country. Domiciliary medical care for all persons in receipt of general relief or special assistance is also provided in some Provinces, costs usually being shared between Province and municipality.

Besides such forms of voluntary insurance as the Blue Cross (by which two million people are covered for hospital and specialist treatment) and various cooperative medical insurance schemes popular in some rural areas, there is much talk of health insurance (meaning prepaid medical care not sick benefit). Many plans have been put forward¹ and some Provincial legislation has been passed, but only in Manitoba and Saskatchewan have limited programmes been put into operation. In the latter² free hospitalisation for everyone is partly financed by a special poll-tax of \$10 a year (with a maximum of \$30 for a family). In two out of the six health regions recently established in that Province, insurance has been

extended to cover general medical services and drugs.

Though operating on a much smaller scale⁴ the Saskatchewan Health Services Planning Commission has found, as did our Ministry of Health, that the provision of a free hospital service cost more than was anticipated. In 1948 the service cost nearly \$9 million, of which rather less than \$4 million was being met out of the hospitalisation tax. For 1949 the hospitalisation tax for adults was raised from \$5 to \$10, which was expected to increase the total contribution from this source to about \$5,800,000. Even so a large sum has to be paid out of the Provincial exchequer which reduces the amount available for badly needed improvements in the hospital service, and has raised questions in some quarters as to whether it would not have been wiser to spend the money on these rather than on subsidising an insurance scheme for rich and poor alike. Free hospitalisation offers more temptations to abuse where doctors, who may have to go fifty or a hundred miles to see one patient, find it easier to treat their patients in the numerous small nursing homes which serve much of Saskatchewan's widely scattered population. "Hospital clearance" is one of the chief headaches of the administration.

What was felt to be an abuse of the free drugs scheme operating in two of the six health regions was met by making a direct charge of 20 per cent. of the cost of all prescriptions except in assistance and chronic (e.g. diabetic) cases. The total drug bill was substantially reduced, and it is claimed that not a single complaint was received from patients or doctors. It would be interesting to know how they dealt with the administrative difficulties which led to our Ministry of Health shelving a somewhat similar proposal. Or would the difference in scale of operation make their experience irrelevant?

The administration of the public health services suffers from lack of suitable local units able to employ a qualified staff. Most large towns have well developed public health departments, but in rural areas progress depends on grouping the small municipi-

palities into larger units. Canadian Provinces lack the well established county system which has played such an important part in the development of social services in this country and in many American States. Quebec set up County Sanitary Units in 1926. In some cases the Province has created its own districts (as in New Brunswick and Nova Scotia), in others it has encouraged its municipalities to combine by offering financial aid to suitable Health Units. In Ontario 25 of these Units have been set up, but about 60 are needed to cover the whole province.

I visited (in 1949) a recently established Health Unit in Ontario, which had superseded 31 local authorities. A full-time staff had replaced 23 part-time Medical Officers of Health, a number of largely unqualified Sanitary Inspectors and a variety of nursing services provided by School Board, municipalities and voluntary bodies. The new staff could be rationally organised on a district basis, but much remained to be done. There was no automatic system of notifying births, public health nurses had to get the information themselves from each municipal clerk; vital statistics were not yet kept on a Health Unit basis; there was no staff superannuation scheme, and the Medical Officers of Health, together with others in Ontario, were only just forming their own association.

Save in Quebec, nearly all mental institutions are run by the Provinces, who have also assumed the main financial responsibility for T.B. sanatoria. It is reckoned that 96 per cent. of T.B. patients in the country receive free treatment. There is an acute shortage of beds in mental hospitals and mental defective institutions. A few mental hospitals have out patient departments and some country districts are served by travelling mental health clinics, but generally speaking community care and preventive work is seriously undeveloped.

The primary concern of the public health nurse (health visitor) is the health of the school child and she visits schools regularly to follow up the doctor's inspections. School dental clinics are increasing but for other forms of treatment children go to their family doctor

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or to the hospitals. The School Boards run this service but if there is a good Public Health Department or Health Unit in the area, the work is usually delegated to it. The public health nurse also attends clinics and visits T.B. and V.D. cases. Visiting mothers and babies tends to take last place, which is perhaps why there is not the same impetus behind the maternity and child welfare movement as in this country. There are "Well Baby Clinics" in the towns but they are fewer and less well attended than are our Maternity and Child Welfare Centres, possibly because all ante natal work is carried on in hospital clinics or by private doctors. The Infant Mortality Rate for 1948 was 44, which compares unfavourably with our rate of 34 for the same year.

CHILD WELFARE

Education authorities (Provincial Education Depts. and School Boards) do not concern themselves with welfare and recreational services to the same extent as in this country. The more limited school medical service has already been described, but there is no tradition of feeding and clothing necessitous children, of the varied out of school activities and of all the social and recreational services that are now included in our Local Education Authorities schemes of further education. In Toronto it is the Department of Public Welfare which provides school meals and day care for children of working mothers. The National Fitness Act offers assistance to the Provinces in the development of programmes of public recreation, generally run by the municipalities. There are now 65 Directors of Public Recreation in Ontario.

It has been said that the Family Allowances Division of the Department of National Health and Welfare is the country's best school attendance officer. Two of the conditions attached to the receipt of childrens allowances are that the child should be attending school and that the parent or guardian be exercising due care. In March 1948 there were 1,671,906 families in receipt of allowances for 3,755,572 children. During the previous year 51,181 cases of improper absence from school were reported to

Family Allowances Regional Offices. The allowances were suspended in respect of 21,769 children. Subsequently, on resumption of school attendance by the children, 8,104 had their Family Allowances reinstated. During the same year complaints of misuse of allowances were made in 1,580 cases. 1,046 were discovered on investigation to be unfounded, so that the payment was undisturbed. The threat and occasionally the actual cutting off of the allowance has proved a powerful stimulant to regular school attendance, particularly in rural areas where the school attendance officers appointed by the School Boards are usually local residents chary of exercising any authority which would make them unpopular with their neighbours. A school janitor who could not even write his own name and an elderly lady of 70 were two quite typical appointments.

It is by no means generally agreed that this threat of withdrawing the allowance is the most desirable way of enforcing school attendance or of checking child neglect. In the latter case more especially nothing constructive will be achieved unless the Family Allowances Division can enlist the support of local child welfare agencies or itself employ large numbers of welfare officers. It does employ a certain number, but so far as possible they refer to the Provincial Child Welfare Department or local Children's Aid Society all cases which appear to involve welfare problems. The Department pays \$5 for each requested and acceptable report. The cases referred are as often as not already well known to the local agency, but this co-operation with the Family Allowances Division does sometimes bring to their notice new families in need of their services.

The Children's Aid Societies which were started in Ontario in 1893 are voluntary organisations authorised to undertake wardship of neglected or dependent children, to provide institutional or fosterhome care, to arrange for adoptions, to carry on child protection work and to perform certain other related functions—in fact most of the work which in this country now falls to the lot of the local authority's Children's Committee, to the N.S.P.C.C. and to

some extent to school Welfare Officers. They receive grants from Provincial and municipal funds for this work (in Ontario more than 85 per cent. of their total expenditure). The way in which these societies combine these different functions merits the attention of those in this country who are at present studying the problem of the neglected child in his home, and are questioning the efficiency of our services in dealing with it.

Provincial Child Welfare Depts. exercise merely supervisory powers in those Provinces more or less covered by a network of licensed Children's Aid Societies, but in Alberta and Saskatchewan and in the "unorganised territories" of other Provinces the service is administered directly by the Provincial Department. Much of this child welfare work is excellent. Since the foundation of the Children's Aid Societies great emphasis has been laid on foster home care and adoption and on supervision by well trained social workers.⁶ Only 5 per cent. of the children in the care of the Toronto Children's Aid Society are in institutions of any kind. On the other hand, there is a shortage, and until recently possibly a lack of appreciation of the value of Reception Homes and of the small specialised Home for mal-adjusted children.

In Quebec, where religious organisations (well financed under the provincial Public Charities Act of 1921)⁷ are responsible for so much welfare, most of the homeless children are cared for in institutions, and the giant orphanages of Montreal and Quebec city are a familiar, and to the social worker, a somewhat horrifying sight.

FEDERAL — PROVINCIAL RELATIONS

Despite the constitution the past 25 years have seen a transfer of responsibility, both administrative and financial, from the local authorities to the Provinces and from the Provinces to the Federal Government. Estimated expenditures on public health, welfare and social security services (excluding unemployment insurance and workmen's compensation, which are mainly financed by employers' and employees' contribu-

tions) for the year 1947 were :

Source	\$ millions	Per cent.
Federal	525	76
Provincial	115	15
Municipal	51	9
Total	691	100

In 1913 the Federal Government's share of health and welfare costs, on a roughly comparable basis was 17.4 per cent. of a total public expenditure estimated in the Rowell-Sirois Report at \$15,215,000; in 1940 it was 36.2 per cent.⁸

The way in which the Federal Government is meeting these increased responsibilities augurs well for a future which is likely to see them increased still further. In those services which it administers directly there are many examples of generous and efficient administration. One might mention the Family Allowances Division, or the Department of Veterans Affairs, which was the first Federal department to recruit professional social workers and give them a recognised civil service grading.

Where services are administered by the Provinces, the Federal Government is giving more leadership today than ever before. The Dominion Health Grants voted in 1948 represent the first big departure from the unconditional grants in aid, which have been traditional orthodoxy in Ottawa for many years. Moneys are allocated for specific services and the provinces have to present acceptable schemes. It is significant that eight of the sixteen divisions in the Health Branch of the Department of National Health and Welfare are now designed primarily to provide authoritative advice and guidance to the Provinces in special fields, such as mental health, nutrition, hospital design, child and maternal welfare etc., where the cost to the Provinces of individually employing highly qualified experts would be prohibitive. The Dominion Council of Health, set up in 1919, also plays an important part as an advisory and co-ordinating body and in 1948 recommended the establishment of a number of advisory committees to provide further

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opportunities for discussing common problems and exchanging ideas.

The Welfare Branch of the Department of National Health and Welfare has its own Deputy Minister but no Advisory Council. It has five divisions: Family Allowances, Old Age Pensions, Physical Fitness, Voluntary War Relief and War Charities. It is also responsible for the administration of the grant of \$50,000 made to the seven Schools of Social Work to assist them in meeting the greatly increased demand for trained social workers. Its part in the Old age Pension scheme consists of an audit of accounts, limited to an examination of the pay lists submitted monthly by the Provinces and the pensioners' files held by Provincial pension authorities. Only seven out of the ten Provinces have entered into agreements with the Federal Government for grants from the National Fitness Fund. There is as yet nothing to compare with the opportunities which the Health Grants scheme gives to the Health Branch.

Some parts of a full social security plan are lacking altogether (sick and disablement benefits), others (mothers allowances, poor relief) are a purely Provincial concern. Nevertheless the Department of National Health and Welfare, established in 1944, does now provide a central agency for the overall planning of social security. The Government's 1945 proposals⁹ to the Provinces were not accepted, but the issues were posed and have led to much healthy discussion and considerable development and experimentation in particular fields. Perhaps this is the way forward: one thing at a time rather than the wholesale approach of recent Dominion-Provincial conferences with their discouraging controversies and deadlocks. "Out of a series of separate, although related negotiations and joint efforts to achieve results of common value may come such a clearance of the ground as to make possible a general settlement, or even to make one unnecessary."¹⁰ The constitutional difficulties are fundamentally political and will only be solved by the Provinces growing confidence in the Federal Government's administration.

The need for more trained personnel has not been overlooked although there are many who argue that much more needs to be done. The Health Grants Scheme included a professional training grant of \$500,000 a year for five years "to assist in making available the public health personnel which will be required in the development of an enlarged public health programme in all fields."¹¹ Since 1946 the Schools of Social Work have received from the Federal Government \$250,000 for administration and bursaries. There are seven of these schools providing a graduate training for a profession which now has a recognised status and is exercising an increasing influence on the administration of the social services.

VOLUNTARY EFFORT

In English speaking Canada the voluntary social services have developed along American rather than British lines. In the larger cities the old charitable agencies have given way to modern family welfare societies, offering a generalised case-work service. Substantial support from public funds is given not only to the semi public hospitals and Children's Aid Societies but also to the Canadian National Institute for the Blind.¹² Community Chests and Welfare Councils developed rapidly after the 1914-18 war, until there were 35 chests and 20 councils listed in 1946. This development has raised standards of administration and greatly improved the co-ordination of the voluntary social services. Their contribution is insignificant measured in terms of money: collections by all Canadian community chests in 1946 were only \$6 million and it is doubtful if total expenditures on voluntary social services of all kinds amounted to more than three or four times this amount.¹³ But as with all voluntary action it is not so much the quantity as the quality and nature of the service which counts.

The Canadian Welfare Council (the equivalent of our National Council of Social Service) with its headquarters in Ottawa and its five divisions concerned with Public Welfare, Child Welfare, Family Welfare, Community Chests and Councils, and Delinquency and Crime

is able to fulfil a useful function, since as a voluntary organisation it is outside all the political ramifications of Dominion-provincial relations and can offer an open forum for discussion of all aspects of social welfare.

The respect in which it is held can be judged by the frequency with which federal, provincial and local authorities, as well as voluntary organisations, seek its advice and by the requests that it receives from both statutory and voluntary bodies that its specialist staff should

go and survey their services and make recommendations for their improvement. For example, the Province of New Brunswick recently asked for such a survey to be made of its public assistance services, and the voluntary organisations of the town of Hamilton of their child welfare work. Such a willingness to seek criticism and advice and to act on it, convinces one of the healthy and progressive attitude towards the development of their social services shown by so many Canadians to-day.

¹ One might add health services for seamen, penitentiaries and Indian affairs (recently transferred from the Dept. of Mines and Resources to the Dept. of Labour).

² In its report of March 1943 the Advisory Committee on Health Insurance included a draft bill providing for health insurance on a nation-wide basis. This was to be administered by a Commission to be established under Provincial legislation to be enacted by each Province. The Federal Government was to meet three-fifths of this cost by a grant in aid to the Provinces.

³ Saskatchewan is the only Province with a socialist (Canadian Commonwealth Federation) Government.

⁴ Population 832,688 (1946 Census).

⁵ Scarcely populated areas not yet organised into local government units.

⁶ The work of the Ontario Children's Aid Societies is described and commended in an appendix of the 1909 Report of the Poor Law Commission (Vol. 33, "Poor Relief in other countries.").

⁷ By the Act the Provincial government, the municipalities and private charity (usually a religious institution) meet the cost of such essential services as hospitals, orphanages, homes for the aged, day nurseries, etc., administered by the private agency with little or no supervision.

⁸ Based mainly on J. E. Willard, "Public Welfare Expenditures in Canada," *Canadian Welfare*, March, 1948.

⁹ Dominion-Provincial Conference on Reconstruction: Proposals of the Government of Canada. August, 1945.

¹⁰ Harry M. Cassidy, "Partnership Possibilities," *Canadian Welfare*, January, 1949.

¹¹ Statement by the Prime Minister on Health Service and Health Insurance, Canadian House of Commons, May 14th, 1948.

¹² The C.N.I.B. provides a nation wide service for the blind, is organised on a regional basis and uses so far as possible only blind persons as welfare visitors, providing them with a car and escort.

¹³ In 1938 the total receipts of all charities in Manchester and Salford were £1,051,499. See M. Haigh, "The Income of Charities in Manchester and Salford, 1938," *Social Welfare*, Oct., 1941.

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Verbatim Reporting in the Public Services

By WILLIAM SUGDEN

Bagehot, in "The English Constitution", said of the House of Commons: "It is in office to express the mind of the English people . . . it pours out in characteristic words the characteristic heart of the nation."

Those characteristic expressions of the will or opinion of the House of Commons are given permanence by Parliamentary reporters. It is therefore of tremendous importance that everything possible should be done to secure that those reports reach the highest attainable level of accuracy and that they are made available with the least possible delay.

In other fields, too, there is need for competent verbatim reporters, e.g., in the Courts and in Government and Municipal offices.

PRESENT ORGANISATIONS

Parliament: There are three separate staffs of verbatim reporters in the Houses of Parliament. They are: (1) the staff of the Editor of the Official Report, House of Commons, known universally as Hansard; (2) a similar but much smaller staff of the Editor of the Official Report, House of Lords; (3) the staff of the Shorthand Writer to the two Houses. The first of these staffs is concerned with reporting the debates in the House of Commons and the proceedings of Standing Committees; the second staff reports the debates in the House of Lords; and the staff of the Shorthand Writer covers the judicial work of the House of Lords, as well as Private Bill Committees and Select Committees of both Houses.

Royal Courts of Justice: Members of the Association of Official Shorthand Writers, Limited, take shorthand notes of all evidence and judgments in every witness action in the Royal Courts of Justice. Speeches are not reported, nor are cases other than witness actions, unless the parties engage a shorthand writer at their own expense.

Criminal Courts: The Lord Chancellor's Department appoints an individual or firm of shorthand writers to each Assize Court or Court of

Quarter Sessions. Some of these shorthand writers practise also in the Royal Courts of Justice.

County Courts: There are no official shorthand writers in County Courts. Parties who wish to have a shorthand note of an action in a County Court must instruct a shorthand writer and pay his fees.

Government Departmental work: The considerable volume of work required to be done for Royal Commissions and for Departmental Commissions and Committees is undertaken by private individuals or firms, on the instructions of the Department concerned, under authority from the Treasury, or by the Treasury's own pool of shorthand writers.

Local Government work: Most local authorities employ Committee Clerks who write shorthand or longhand sufficiently fast to be able to take minutes of Council and Committee meetings. A few local authorities employ shorthand clerks who take a fairly complete note of such proceedings. When a verbatim report is required, a local authority usually engages a professional shorthand writer.

United Nations: The United Nations team of verbatim reporters is probably larger than that of any other organisation. The reporters are based on New York but may be required to travel to any part of the world. Several of them were recruited from England, and their leaving this country has accentuated the shortage of reporters here.

Other work: A very large amount of reporting work does not fall within any of the categories mentioned above, although much of it is performed by people who are engaged upon Parliamentary, Court and Government work. Arbitrations, company meetings and conferences of every conceivable kind fall within this miscellaneous class of work.

PRESENT METHODS

The two groups into which verbatim reporting can be divided may be des-

cribed as the short-turn method and the long-turn method.

The short-turn method is always used by the Hansard staffs and nearly always by the United Nations reporters. The characteristic of this method is that each reporter takes notes for only five-minute, ten-minute or fifteen-minute periods; he then goes away to transcribe his notes, while the next reporter on the rota takes his place.

The long-turn method is used by most of the other verbatim reporters. By the long-turn method, each reporter takes the whole or a substantial part of a Committee or of a case in the Courts. Often one reporter will take notes for a whole day; but, where the transcript is required urgently, it may be necessary to divide the day's notetaking into two, three or four parts. Even so, each notetaker seldom takes less than half an hour at a time, a more usual practice being for each notetaker to take notes for one or two hours at a stretch.

The great advantage of the short-turn method is that it enables the transcript to be produced very soon after the words have been spoken. This is necessary when the 'copy' has to be rushed off to a printer or to a duplicating room. Nevertheless, this method imports the very considerable disadvantage that each reporter is at the reporter's table for too short a time to enable him to grasp the trend of the proceedings as a whole. He is therefore obliged to take down and reproduce what he hears during his brief turn, with little hope of being likely to notice and to correct even the most glaring inconsistencies of speech or obvious slips of the tongue. For this among other reasons it is necessary to employ a supervisor or editor to co-ordinate the efforts of the team of reporters.

The long-turn method is likely to yield better results than the short-turn method, if only because the reporter hears enough of the proceedings to enable him to take a broad interest in them and to acquire some knowledge of the issues and persons involved. Part of the advantage of the short-turn method can be gained by a user of the long-turn method if he is able to write a clear note

that can be read by another person, so that the production of the transcript can proceed whilst the notetaker is still in the Committee Room or Court. But it requires long training and much practice before a person can read another's shorthand notes with fluency and accuracy.

PAYMENT

There are two entirely different methods of remunerating shorthand writers. One is by a fixed salary, with the benefits of paid holidays, sick-pay and pension: the other is by fees, calculated on the amount of work done, with no fixed annual income, no paid holidays, no sick-pay, and no pension.

Both these methods of payment are unsatisfactory. The fixed-salary system is not well-suited to such an unpredictable occupation as verbatim reporting. Usually a transcript has its maximum value if it can be delivered quickly. To secure this maximum value, it is necessary to offer the greatest possible inducement to the reporters and their staffs to produce the transcript with the minimum delay. On an average, each hour of note-taking involves from four to six hours of dictating, typing and checking. If a meeting sits during normal hours, say from 10.30 a.m. till 4 p.m., with an hour for lunch, there will be something like 18 to 27 hours' work involved in the production of the transcript, besides the time spent in the conference room. The work can be divided by spreading the notetaking among several reporters and the typing among several typists: indeed, if the transcript is to be delivered before 10 o'clock on the following morning it is plain that the work must be divided in some way. If the meeting decides to sit late, as meetings sometimes will, then every extra hour of sitting adds four or six hours to the time taken to perform the work off-stage. This means that all members of the staff, notetakers as well as typists, must work long beyond the normal hours of office workers: and it is not in the nature of everyone who receives a fixed income to wish to work unlimited hours.

The usual methods of compensating for overtime, e.g., by an hourly overtime

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rate or by time-off in lieu, are not apt in such circumstances. An hourly rate compensates the slow worker equally with the fast worker, and this is not a desirable result when speed is an essential requirement. Neither is time-off in lieu an altogether satisfactory device, especially in times of acute shortage of staff, for often it is found that the time-off never materialises or that it falls at a time when it is not appreciated by the recipient. If the person entitled to time-off in lieu is allowed to decide when it shall be taken, he may choose a period when his services are urgently required.

The system of payment according to the quantity of work produced is perhaps ideal for the purpose of obtaining the greatest output of work in the shortest time; yet it has evident drawbacks. It leaves the unfortunate pieceworker unprotected for in times of sickness or slackness of work; he can take a holiday only if he has earned enough during his working time to enable him to pay for it; and the lack of pension may force a reporter to go on working when he has passed the prime of his powers and his physical faculties may be failing, although mentally he may be perfectly alert and capable.

In Southern Rhodesia a compromise between these two systems has been introduced. Reporters are appointed at a fixed salary and are then paid a folio-rate for the work they produce. This seems to be a system which combines the advantages and avoids the disadvantages of the other two systems, and its adoption here might well be considered.

QUALIFICATIONS AND STATUS

It is easier to enter the craft of verbatim reporting than to achieve success in it. There is no minimum qualification which a person must possess before he (or she) starts to practise as a verbatim reporter. Clearly, it will not be easy for an incompetent person to find clients in sufficient numbers to provide a respectable income; but many people, who ought to know better, will accept a report which is very far from being verbatim.

Those who are or who have been verbatim reporters include barristers,

doctors and university graduates: at the other end of the scale are those who have no qualification beyond an ability to make marks on a sheet of paper with considerable rapidity. Yet it is of incalculable importance to secure the proper quantity and quality of verbatim reports, for they are the very stuff of history.

MECHANICAL RECORDING

Everyone who has pondered over the problems of verbatim reporting has probably asked whether mechanical recording cannot be used in place of shorthand writers; and, because of the great improvements that have taken place in recent years in recording technique, the question has become one of greater immediacy and attractiveness.

The evidence available at present leads to the conclusion that sound-recording cannot be used satisfactorily as a substitute for stenographic methods, but that it could be a most valuable adjunct to present systems.

Sound-recording does not seem likely to become a substitute for the shorthand writer, because no sound-recorder has yet been devised which can perform all the duties of a shorthand writer with equal efficiency and reliability. Anyone who has listened to radio programmes over a period of time will know that, even in such a well-equipped and expert organisation as the B.B.C., hitches occur which would be disastrous if a mechanical system alone were to be relied on to produce a complete report. A recording instrument plays strange tricks; it distorts words so that they become either unintelligible or indistinguishable from other (often contradictory) words. It may miss words, and in certain cases it may be impossible to detect from the record itself that there are any words missing; or, if it is possible to tell that words are missing, it may not be possible to tell what the missing words are.

There are two other major defects which are inherent in every recording instrument. First, it is non-selective; it will record the scraping of chairs, the rustling of papers, or the sound of coughing, as readily as it will record the

human voice. The trained shorthand writer learns to distinguish between what is wanted for the record and what is not, whether the unwanted sounds consist of extraneous noises or irrelevant observations. A machine will record all of these indifferently, and the sound which is loudest will predominate on the sound-record, possibly to the exclusion of more important, but weaker, sounds.

Secondly, the recording instrument is unable to distinguish between and to identify different speakers. It is a necessary function of any report to attribute each remark to the person who uttered it, and a system which failed to do this with certainty would be dangerous.

Despite these limitations, it is highly probable that there are great potential advantages to be derived from using mechanical recording as an adjunct to stenographic methods. These potentialities ought to be examined with a view to seeing whether there is not here a possibility of some relief from the

burdens which threaten to overwhelm the profession.

It may be that hostility to this suggestion will come from two quarters: (a) from shorthand writers who see in mechanical recording a threat to their livelihood; and (b) from public speakers, who may view with consternation the prospect that they will indeed be reported verbatim. It may be said that many remarks will be uttered within range of the microphones, yet not intended for the record. This is perfectly true; such remarks are often made now, within the hearing of a reporter, but they do not find their way into the published report.

The answer to both criticisms is the same, namely, that it is impossible for any mechanical system to produce written reports without human assistance, and that the human assistance which would be necessary for such work is of exactly that type which could be supplied only by those who, as verbatim reporters, have learned how to produce such reports.

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Guild Socialism in the Post Office ?

By HUGH CLEGG

Discussion of the form of management for socialised industry can be traced back at least as far as the famous controversies between Proudhon and Marx, and between Marx and Bakunin. In recent years, the type of public corporation advocated by Mr. Herbert Morrison has won fairly general acceptance in Britain, but other views have continued to be held by minorities—particularly, the minority of “ industrial democrats ” who hold that this form does not give sufficient status or opportunity for self-expression to the workers in the industries—and it is natural that the old controversies should be revived in these days of socialist experiment. The Union of Post Office Workers has a considerable claim to be heard in the matter. The post office workers pioneered trade unionism in the Civil Service. The sorters, the letter-carriers and the telegraphists have traditions of unionism which run back for almost a century. Before the first world war there was already a strong group of socialists amongst them, during that war their leaders became converted to guild socialism, and since then the U.P.W. has been the only important union to persist in allegiance to that creed.

The guild socialist theory was that industries should be operated by their workers within the terms of a charter drawn up by the state as the representative of the consumers and of the nation as a whole. There is nothing inconsistent with guild socialism in the public corporation subject to statute and to ministerial order, but its public corporation would not have been a small Board of experts ; it was to consist of the body of the workers in each industry, who would proceed to determine policy and to select managers by democratic electoral methods. Thus the workers were to be accorded freedom to exercise those functions which to the guild socialist were rightfully theirs, but the producer-dominated society of syndicalism was to be avoided by handing over to the state those powers to which the

workers had no strong claim. This simple functioned theory, to which the leaders of the post office workers were converted over 30 years ago, has its attractions. The policy which they handed on to the U.P.W., however, was an adaptation of the theory of the guild. During the years following the first world war guildsmen—particularly Professor Cole—had a hand in drafting nationalisation bills for the unions and for the Labour Party. In these bills provision was made for joint control of industry by the state, through nominees, and trade union representatives. Joint control was proposed as an interim arrangement until the workers should be ready for the fuller responsibilities of the guild, and no doubt also as a means of making the bills less startling to those supporters of Labour who were not guildsmen. It is, then, the policy of joint control which the U.P.W. has inherited.

Joint control was written into the constitution of the U.P.W. when it was formed by amalgamation in 1920. During the years of Conservative rule between the wars its attainment seemed a distant prospect, which the brief intervals of minority Labour government brought no nearer. During the second Labour government the Post Office administration suffered the attacks of Lord Wolmer and others, and before the Bridgeman Committee the U.P.W., although offering a number of criticisms of the Post Office, was mainly concerned to defend it against attacks which it considered reactionary, rather than to make proposals for joint control. In 1942, however, the union once more took up that policy and made a demand that the Post Office should be administered by a joint body of union representatives and government nominees, presided over by the Postmaster General. The Labour Party and the T.U.C., firm supporters of the Morrisonian corporation for newly-nationalised industries, do not want joint control either in them or in the Post Office, and the

other main post office union, the Post Office Engineering Union, shares this view. In order to preserve a common front, therefore, the U.P.W. has agreed with the P.O.E.U. and the T.U.C. that, without prejudice to its ultimate aims, they should together seek a Joint Advisory Council for the Post Office. Half of the members of the Council should be "staff side" representatives, and half Government nominees. Its main function would be "the task of advising the Post Office Board on all matters relating to the policy and administration of the Post Office services"—a function outside the scope of the present Post Office Whitley Council. The U.P.W. regard this as a step towards the objective of joint control.

The U.P.W. policy, and the background of these proposals are explained by Mr. Chalmers, editor of the U.P.W. journal, *The Post*, in "Consultation or Joint Management",* a symposium to which the other contributors are Ian Mikardo, M.P., and Professor Cole. Mr. Chalmers is, of course, thinking primarily of the Post Office, but his argument has a wider application, for he criticises the official Labour policy on nationalised industry, and favours a sharing of executive authority with the workers in the public corporations. Although his contribution can only be appreciated if it is read with this wider background in mind, it must be remembered that joint control, or even a Joint Advisory Council, raises peculiar problems in the Post Office. The National Coal Board might well set up a Joint Advisory Council of the kind suggested by the U.P.W.—its National Joint Consultative Council might be used as such a body—but if the Post Office unions are to be brought into the early stages of policy formation in the Post Office, important constitutional questions about the functions of the Minister and the Cabinet must be answered. If they are to share in the making of policy, they must discuss issues before they are decided. Is the Postmaster General then to refer matters to such a Council before he submits them to his colleagues?

It is perhaps partly for this reason that the Postmaster General has so far only consented to add to the Joint Production Committees, set up some time ago in the Engineering Department, a Joint Production Council for the other departments, "to discuss and agree measures in the Post Office for improved productivity", but not to share in high policy formation. The local Whitley Committees are to act as the local agents of this Central body.

Mr. Chalmers, then, devotes most of his space to the general case for joint control, and not to the particular proposal for the Post Office Joint Advisory Council. He bases his argument, as a guildsman must do, on a strong confidence in the ability and sense of responsibility of his union members. He is able to score a point off the General Council of the T.U.C. by showing that the arguments which they use in their Interim Report on Post-War Reconstruction to support the accepted type of public corporation are, in fact, guild socialist arguments. But we need not blame the T.U.C. draftsman too much for this; guild socialism made too deep an impression on the *ideas* of British trade unionism for him to be able to talk of industrial democracy without borrowing from it. Mr. Chalmers' own thesis, however, does not convince. In confusing the clear functional divisions of the state and the guild, joint control loses much of the attractiveness of the original theory. If the task of the state is to avoid direct interference with the management of the workers, and to do no more than lay down the broad limits within which that management should be exercised, what good purpose can be served by state nominees on the Administrative Council? Mr. Chalmers argues that the "two sides" conception of industry is wrong. (In the Civil Service both "management" and "workers" are civil servants, but the distinction between staff and official sides for negotiating purposes in the Whitley Council is clear enough.) If it is wrong, why offer us an Administrative Council of just equal numbers of union and state

* *Consultation or Joint Management*, by J. M. Chalmers, Ian Mikardo, M.P., and D. H. Cole (Fabian Tract 277, 1/-).

nominees, presided over by the Minister ?

Mr. Mikardo, the champion of consultation (which may be perfectly compatible with the responsibility of a Minister or a public corporation Board) makes the most of the opportunities which Mr. Chalmers puts before him, and has no difficulty in winning our sympathy for a Minister in such a position. He admits that consultative committees in industry have often worked badly, and that their success depends very much upon managements, but he argues that the freedom of union representatives to refuse "to communicate and explain . . . to their members" arbitrary decisions gives them a sufficient weapon to enforce serious consultation. Now it may well be true, as Mr. Mikardo claims, that the deciding vote of the Minister makes a Joint Administrative Council of no more value to the workers than a consultative committee, but it does not follow that consultation is the equivalent of the full industrial democracy which the guild socialist seeks. Political democracy has not achieved its most conspicuous successes with consultative or joint institutions, for instance, where they have been tried in colonial government. Even if the Administrator or manager does exactly what the consulted would have done had they had the responsibility for the decision, they may not be able to appreciate this until they experience the responsibility. Most people do not believe that full responsibility in industry can ever be granted to the "governed". If the guild is dropped as the objective, joint control, which might seem reasonable, despite its faults, as an interim arrangement, has little appeal. Thus it may be that consultation is all that we have left ; but if the argument is put in this form, we may not have so much confidence in its results as has Mr. Mikardo. Moreover, there is enough experience of dissatisfaction with consultation even in undertakings in which the workers are strongly organised and their representatives unlikely to be put off by managerial high-handedness, to make us ready to listen to an alternative to both consultation and joint management.

This alternative is provided by Pro-

fessor Cole, and it is most fitting that he, the most illustrious of the guild socialists, should wind up the debate. His proposal, at which he has already hinted in his pamphlet on the National Coal Board, will attract attention. Consultation, understandably, is not for him full democracy, and something better must be provided ; but not through the trade unions, for they must carry on their proper task of defending the workers' interests. He, therefore, proposes to choose workers' representatives to exercise managerial responsibilities by "direct election from inside the Post Office enterprise". We need not wonder that the issue of *The Post* of January 14, shows amazement and dismay at this suggestion. It has such striking similarity to "company unionism" that the traditional trade unionist may be allowed to shudder down the spine. The erection of such an internal representative system would inevitably create a rival to the union, and union members naturally fear (since, whatever Mr. Chalmers may say, they hold the "two sides" view of industry) that the managers would play off these new representatives against the union officers ; and use them to undermine the union. We may agree that union officers have other tasks which might well conflict with sharing in management, and that most of them are not fitted for management ; we might even be convinced that the union fears would have no foundation. Even so, if Professor Cole's path is the one to be followed, a long and arduous task of education must be undertaken before the trade unions will be persuaded to set foot on it. This is not, however, the only objection to the proposal. If representative institutions of the workers are needed to exercise these new functions, it would be folly to cast aside their existing representative organisations, which were built up with such difficulty (and which, moreover, command the loyalty especially of those workers who really care about industrial democracy) unless they were proved beyond doubt to be hopelessly inadequate for the task. And if this proof were before us, would the natural deduction not be that industrial democracy was unattainable ?

The original guild theory is in direct opposition to all those who hold that management is a specialist technique. The guildsman would have had technicians chosen by an elected management committee from a panel of those qualified, but the lower managers at least, from foremen upwards, were to be directly elected. Consultation is quite compatible with management as a technique; in fact, it may be part of the technique. A national Advisory Council on policy, or even a policy making Joint Board, so long as it sticks to making policy, has a function different from that of management, and may be held not to violate the canons of those who hold this view. But a Joint Administrative Council, constituted to share executive authority, whether chosen by the U.P.W. method or Professor Cole's, is clearly incompatible with that view, so that their proposals will have to face the criticisms that neither method of selection would be likely to produce good business administrators, that wherever workers have control over promotion they tend to favour seniority, and that in trade union elections there is revealed a marked tenderness towards failures. No-one but a fool holds that management is a subject which can be taught and examined in schools and universities, but many might think it a comparatively rare skill which would be better discovered and encouraged by expert selection than by any kind of electoral method. This, however, is not the only criticism of the proposals; there is another which touches all of them.

Industrial democracy inherits its philosophy from the French Revolution. Its essence is the quest for "integral amancipation", for the "liberation of the individual for the full development of his personality"—and this individual is the ordinary worker, who has almost been forgotten in this discussion. Post Office workers have had "thirty years experience of joint consultation" through the Whitley machinery, in which their local and national representatives have the right to state their views to the management, and to be consulted by the management on a wide range of topics, even if not to share in the making of Post Office policy. We

may agree that many, at least, of the workers in the Post Office do not find this sufficient, and if so, there are good grounds for seeking additional means of adding to their status and increasing their opportunities for self-expression. If constitutional difficulties could be overcome, a joint advisory body on policy might help towards this end, although the brief experience of National Consultative or Advisory Councils in the new public corporations warns us not to expect too much. Trade union general secretaries and their national officers and executive members are busy men, with enough committee work already. They are often without the technical knowledge or technical assistance required for this new job, sometimes not enthusiastic for it, and sometimes too occupied in that diverting pastime of the Labour movement—"Reds and anti-Reds"—to give it proper attention. But at the best, we could not expect such a central body to make a revolutionary change in the life of the ordinary worker. The sceptic might well doubt that it would make much difference to the ordinary worker whether this national joint body was advisory or administrative, and whether the workers' side consisted of trade union nominees or of "internally elected" representatives. To have a radical effect on his work and life changes much closer to that work and life must be made. Until Mr. Chalmers and Professor Cole have something to say about this level, it may seem that the enthusiast for "human relations in industry", who puts his faith mainly in the education of managers (and especially of those managers who deal directly and constantly with the ordinary workers) in new techniques of social psychology, is nearer the solution of the problem, if there is a solution. His methods would apply as well in private as in public industry, and indeed their application might in some ways be more easy in the private firm than in the vast nationalised undertakings, where the gulf between the "two sides" is wider, if not deeper.

The pamphlet is to be welcomed, as Professor Cole says, if "discussion of its contents will get some people a stage nearer to a concrete and realistic formu-

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lation of what they are truly seeking to achieve". But this formulation must be more in terms of the rank-and-file worker, the shop steward, the foreman

and the departmental manager, and it will command support more readily if it seeks to work through, and not to by-pass, the trade unions.

Haldane Essay Competition 1949

RESULT AND REPORT BY EXAMINERS

There was this year a decline in the number of essays submitted (34 against 60 in 1948 and 154 in 1947). Among the entries were some which could not be regarded seriously and others which were interesting but could hardly be regarded as "within the field of public administration" and therefore had to be ruled out. The general level, however, was encouraging. A large proportion of the candidates showed careful study of their own administrative tasks and a vigorous effort to improve their methods and relate their problems to wider issues of public concern.

Thirteen essays dealt with the work of particular branches of the public service; and it is an interesting indication of what most perplexes the administrator at present that of the other essays no fewer than six were concerned with the problem of relations with the public and seven with various aspects of selection, leadership and morale within the service.

Work at the average level was conscientious and sensible; but the essays which did not rise above the average failed mainly through lack of freshness and vigour. There are two simple prescriptions which go a long way to remedy this defect; first, a plain and economical use of words, and secondly, a clear train of argument and a high standard of relevance. If a man has it in him to say something interesting, he will say it provided his style and manner of argument allow him to be heard.

We have selected six candidates for mention, whose essays we would place in the following order:—

1. Glaucon: The Idea of Responsibility in Government.
2. 48-49: Rational Local Government Areas.
3. { Lighter: Technical Regulations.
Security: The Administration of Social Security.
4. { Longrigg: The Collection of Customs and Excise.
Sanitas: Some Problems of Abattoir Administration.

(Signed) W. J. M. MACKENZIE
JOHN P. R. MAUD.

Notes: Prof. W. J. M. Mackenzie, M.A., LL.B., is Professor of Government and Administration in the University of Manchester.

Sir John Maud, K.C.B., C.B.E., is Permanent Secretary to the Ministry of Education.

Glaucon is Mr. H. F. Summers of Tunbridge Wells, Kent.

48-49 is Mr. J. R. Oxenham of Birmingham.

Lighter is Mr. J. B. W. Armstrong of Hayes, Kent.

Security is Mr. Ronald Mendelsohn of London.

Longrigg is Mr. W. G. Young of Carlisle, Cumberland.

Sanitas is Mr. Cecil Ash of Coventry.

The Report of The London Planning Administration Committee

By BRYAN KEITH-LUCAS

In 1837 the Royal Commission on Municipal Corporations presented its report on London, and in doing so rejected whole-heartedly the suggestion that the Metropolis should continue to be governed by a multitude of independent and uncoordinated bodies. Even the few duties then imposed on local authorities could not, it was stated, be properly carried out in such a way; "the only real point for consideration is how far these duties for the whole Metropolis could be placed in the hands of a Metropolitan Municipality, or how far they should be entrusted to the officers of Your Majesty's Government". Twenty years later John Stuart Mill wrote in his *Considerations on Representative Government* that "the subdivision of London into six or seven independent districts, each with its separate arrangements for local business, prevents the possibility of consecutive or well regulated co-operation for common objects, precludes any uniform principle for the discharge of local duties, compels the general government to take things upon itself which would be best left to local authorities if there were any whose authority extended to the entire metropolis". Since he wrote these words the need for some such authority has grown more urgent year by year.

Today the municipal map of the Capital resembles a bull's eye target: in the centre is the City, one of the two unreformed corporations in England, which doggedly maintains the boundaries which were accepted as suitable in the reign of King Richard the Second; the next ring, which is the area of the Administrative County, represents the limits of London as these were fixed in 1855; outside this lies the great area vaguely known as Greater London, composed of parts of eight counties and three county boroughs. Since the days of Mill no serious attempt has been made to bring order and reason into this administrative absurdity; the Boundary Commission was expressly precluded

from considering the problem of the government of London, and the Reading Committee had no authority to look beyond the limits of the Administrative County. Both these bodies have now been rudely dismissed, and we are left with such hope of improvement as may be got from the statement of the Minister of Health that the reorganisation of Local Government will remain a pre-occupation of His Majesty's Government. In 1935, Mr. Herbert Morrison wrote that "the muddle of local government in Greater London either means that Governments or Parliament wish it to be a muddle, on the divide and conquer principle, or that they have possessed neither the initiative nor the courage to grasp the problem boldly and settle it."

In recent years three plans have been made to guide the development of Greater London; in 1943, Sir Patrick Abercrombie and Mr. Forshaw produced a plan for the Administrative County of London; in 1944, Sir Patrick Abercrombie produced a further plan for Greater London—that is, for a ring round the County extending to about 30 miles from the centre; in 1947, Dr. Holden and Professor Holford produced a third plan for the City of London. These have been accepted with some reservations by the Local Authorities concerned and by the Minister as the basis for the future development of London. But the making of a plan is a very different matter from carrying out its proposals; new towns are to be built, great new roads are to be made across the region, open spaces are to be preserved from builders, both private and municipal, water must be brought, and sewage removed, new factories erected, schools and school-teachers provided, and the whole framework of civilised life created.

The existing authorities concerned with this development are many and various. Most immediately involved are the Planning Authorities themselves, which before the passing of the Town

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and Country Planning Act 1947, numbered 145; but these have now been mediatised, like the German Princes under Napoleon, leaving only nine county councils and three county borough councils. The provision of gas and electricity is in the hands of the Minister of Fuel and Power and of regional boards; location of industry is controlled by the Board of Trade; hospitals are vested in the Minister of Health, but administered by Regional Hospital Boards, whose areas are designed on the assumption that each region must be linked to a teaching hospital, which for some reason must lie physically within the regional boundaries—a decision which has led to the partition of London between four Metropolitan Hospital Regions, in one of which Dorset is joined by a sort of Polish Corridor to South West London. The Ministries of Agriculture, Civil Aviation, Education and Transport also have functions intimately affecting the development of Greater London. Housing, Public Health and many other services are still provided by the various county district councils in the area.

In 1946, the Minister of Town and Country Planning appointed a committee, with Mr. Clement Davies as Chairman, to advise him on the appropriate machinery for securing concerted action in the implementation of the Plans for London as a whole. The report of this Committee was published late in 1949. After surveying the problem in general it considers the claim of witnesses from Government Departments that the appropriate machinery for securing concerted action already exists in an adequate form in the central government, and with one accord the members reject this claim, in terms which recall the words which Mill used nearly ninety years ago. But if the central departments are not to assume the task of co-ordinating and controlling the development of London, the problem remains, who is to do so? Mill's answer was clear—there must be one local authority with jurisdiction over the whole of the Metropolis. The present Committee (with one faint dissident) gives the same answer: "We have found that,

while planning in the Region is now in the hands of twelve local authorities, development, in so far as it is undertaken by public authorities, is carried out by 181 local authorities and a large number of statutory undertakers. This will not work. We have come to the conclusion that, if the Plan for the Region is to be carried through, some kind of regional authority, possessing powers of direction and of finance in addition to powers of supervision, must be established". With this decision there can be little disagreement. If the future development of Greater London is to be adequately supervised and properly carried out, there must be some authority covering the whole of the area and exercising the real power and dominion therein.

Such a solution, however, raises at once a multitude of difficulties; it entails a radical reorganisation of the whole Local Government structure in the South East of England; it means that a new body must be born with a power and influence far greater than any of the local authorities that we know today. Opposition will come from many sides. Even when the modest Metropolitan Board of Works was created in 1855 the fear was expressed in Parliament that this new body might threaten the supremacy of Parliament, and overshadow the authority of the Speaker. Such fears, as Mr. Herbert Morrison has shown, were still alive at least as late as 1935. Many existing authorities would lose some or all of their powers, and any proposal involving this will always call forth angry opposition.

Because of the many problems involved, the Committee recommends that a Commission should be established forthwith to review the whole region, and to submit proposals for the creation of a regional government for Greater London. Such a procedure would be slow; legislation, or at least Parliamentary approval, would be required before such a Commission could start work; time would be taken in hearing and considering evidence and in drafting a report, and finally, legislation of a controversial sort would be needed to create the new authority. It is therefore clear that some more immediate action must

also be taken to secure co-ordinated action by the twelve Planning Authorities before a regional authority can come into being.

The Town and Country Planning Act provides two possible methods of securing such co-ordination. Section 4 enables the Minister to establish either a joint advisory committee, or a joint planning board in which case within the area concerned the board takes over all the functions and powers of the local planning authorities. Faced by this choice, the Committee failed to agree; the majority advises that a joint advisory committee should be set up, leaving the twelve counties and county boroughs as the responsible bodies for carrying out the Plan under the guidance of the joint committee. The minority, composed of Alderman McColl, Alderman Pike and Professor Robson, takes the opposite view, and holds that the only chance of co-ordinated action lies in the creation of a joint board as the sole planning authority for the whole of Greater London.

Besides the multiplicity of authorities concerned, the greatest difficulty in the way of proper co-operation between the councils is the difference in their outlooks. The problem of the growth of London looks very different from County Hall beside the Thames and from Shire Hall beside the Medway. To the London County Council the most urgent matter is housing; how to find somewhere for the overcrowded hosts of London to live in decency and comfort. To the council of a predominantly rural county, the problem is a more complex one, compounded of rateable values, preservation of open country and the cost of services which a new population demands. The Campden Hill controversy and other similar cases have shown that the London County Council is prepared if necessary to sacrifice, or modify, the Plan when it comes into conflict with its housing policy, and the other authorities are perhaps not always sympathetic with these demands for living space. Inevitably, the duty and loyalty of the Surrey County Council is to the people of Surrey, of the Essex County Council to the people of Essex, and of the London County Council to

the people who live in that part of London which constitutes the Administrative County. It could not be otherwise, and would not be good if it were. But this means that no one of these bodies feels a primary responsibility to the people of the whole area known as Greater London.

The essential differences in the outlook of the local authorities concerned make very remote the prospect of a mere advisory body succeeding. Experience in the past shows the great difficulties that lie in the way of any such solution to the problem of planning Greater London. The Greater London Regional Advisory Committee, the Greater London Regional Planning Committee and the Greater London Standing Conference on Regional Planning in turn tried to co-ordinate the policies of the authorities in the Region, failed to do so, and were abolished. Behind these tragic failures lay the inherent weakness of all mere advisory bodies, the weakness which led to the failure of the League of Nations; they had no power to carry out their decisions, nor even to make the constituent councils carry them out. Even the brilliance and determination of Sir Raymond Unwin, the technical adviser to the Committee, were insufficient to make the first of these bodies into a living force; the second collapsed when the London County Council withdrew its support because it did not agree with the other members on a question of policy; the last was practically still-born. There seems to be little reason to believe that the experience of the past would not be repeated in the future, and even the acceptance by all the authorities of the outline plan does not prove that there has been a real change of heart.

These considerations suggest that there is little ground for hope that the establishment of a joint advisory committee would succeed in producing a co-ordinated administrative machine to carry out the Plan in the area of all the constituent authorities. The members who signed the Minority Report therefore turn to the only alternative offered by the Town and Country Planning Act—the setting up of a joint planning board to be the planning authority for the whole area. This also is suggested

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only as a temporary solution, until a new and competent regional authority shall come into being. Such a joint board would have one outstanding merit; there would be but one authority responsible for carrying out the Plan throughout Greater London. The magnitude of the task, the vast scope of the proposals, make it almost essential that there should be one controlling body which can view the area as a whole, a body which can think and plan in terms of Greater London, and not merely in terms of Kent or Surrey, Essex or East Ham. There are, however, serious difficulties inherent in such a solution. The Board would have no powers outside the scope of the Town and Country Planning Act, and trouble might arise in those parts of the counties which came under its control; the county councils would remain the responsible authorities for highways and education, for health services and all the other public services which they now provide. Great though the powers conferred by the Town and Country Planning Act may be, the major powers of development would remain with the constituent councils; this would certainly lead to administrative complications and possibly to opposition from the councils. The same difficulty, however, arises to some extent even if the powers of planning and of carrying out the Plan are left in the hands of the existing authorities; railways, road transport, gas, electricity, industrial development, and even housing remain in other and independent hands. An authority which does not control these things can only be regarded as responsible for carrying out the development of its area in a very limited sense.

It is also argued that a joint board responsible for carrying out the scheme throughout the whole Region would be from its very nature too centralised, and too remote from the day to day problems which would arise in its work. This difficulty might, however, be avoided in part at least by a scheme of delegation, by which the more local problems were entrusted to the county and county district councils.

The conflicting views expressed in the Majority and the Minority Reports show

clearly that both proposals for the interim period are inadequate for their purpose, but yet there is no other provision that can be made under the law as it exists today. Of the two, the establishment of a joint board to supersede the existing planning authorities within the area appears much more likely to succeed, but even this would be a most inadequate body for the enormous task of redeeming Greater London from the unplanned confusion which it is today. Both the Majority and the Minority, however, recognise that the existing law does not provide the means of solving the problem, and that the ultimate solution must lie in the creation of a fully competent regional government. The insufficiency of their proposals for the interim period makes it the more important that the Government should take the necessary action without delay.

The problem is unfortunately not unique to London; in Lancashire and Tyneside and other parts of England the same problem is arising. Great urban areas have come into being with no single authority which has power to plan and regulate their growth. The existing authorities are restricted in area to their respective sections of these regions, and limited in power so that many of the main factors of development are beyond their control. In these provincial regions also there is urgent need of a review of the present structure of administration. It is difficult to imagine that if such a review were carried out it could lead to any conclusion other than the necessity for some form of regional government with powers to plan the development of all the area, and to carry out its plan.

In thus considering the problem as it exists outside London a grave danger arises—the danger that the action so urgently needed to redeem the muddle of London might be postponed while the whole structure of local administration in England and Wales is reconsidered. It would be best if the new government that London must have were created as part of a national reform; but it cannot wait. London is growing week by week, houses are being built, pastures turned into back gardens, and boys demanding

space in which to kick their footballs. The need for a better London becomes more urgent every day. It can only be built if there be some corporate body that is master of the whole metropolis, and has power not only to plan, but also to do. The Plan, in its outline at least, has been made; there must now be somebody with power to carry it out.

The report of the Davies Committee is of prime importance because of its emphatic declaration that a regional authority is a necessity for London.

The disagreement about the best solution for the interim period only emphasises the urgency of this need. It would be a disaster if the lesser question of the temporary machinery were allowed to delay the action that ought to be taken immediately for this purpose. It would also be a calamity if action were postponed until the Government produces its long promised proposals for the reform of Local Government throughout the country.

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Local Government Manpower Committee— First Report

By A. H. MARSHALL

It has been for some time common ground among all students of public administration that since the war all is not well with the relations of central and local government. The war gave a fatal impetus to a tendency already well marked, by which local authorities were being treated more and more as agents of central government departments. Nowadays central officials more and more think of local authorities as agents to be instructed and circumscribed; and local officials shelter behind Whitehall. Even the members of local authorities themselves are in danger of developing a habit of passing the responsibility for difficult local decisions on to the shoulders of the Government. Local officials, made nervous by the labyrinth of regulations, feel they must advise their Councils when a difficult decision is to be made to seek the sanction of the Ministry, in case in some obscure section unnoticed by them, submission to the Ministry is prescribed.

Anything more opposed to the spirit of local government, as it was understood by those pioneers responsible for laying down our present local government system in the last quarter of the nineteenth century, could hardly be imagined. A reversal of policy must take place, or it will soon be ludicrous to talk of English local authorities as autonomous bodies. A start has now been made; not because one of our most cherished national institutions is in danger of disappearing by means of insidious but piecemeal erosion, but for a characteristic English practical reason; because meticulous control is absorbing more manpower than the nation can afford and it must therefore be reduced. Hence the coming into being of the Local Government Manpower Committee whose first report has now been issued (Cmd. 7870).

This Committee came about almost by accident. The Ministry of Health in 1947 issued a circular urging local authorities to make the best use of man-

power. The local authorities' suggestions that the Government itself could make perhaps the greatest contribution by reducing departmental controls, led to the setting up of the Manpower Committee consisting of representatives of local authorities and the Departments. The main Committee appointed six sub-committees, in the work of which about 90 local authority and 160 departmental representatives have taken a direct part.

The suggestions of the sub-committees are administrative suggestions, but the parent committee claims that they represent "a considerable simplification or loosening of departmental control". In a memorandum of guidance issued to the sub-committees, the Manpower Committee stated their general objectives: briefly to regard local authorities as exercising their responsibilities in their own right and not ordinarily as agents for the Government Departments; the issue of general manuals; and the issue of permission to work within an agreed programme.

The sub-committees were: Home Office Sub-Committee; Ministry of Health Sub-Committee; Ministry of Education Sub-Committee; Ministry of Town and Country Planning Sub-Committee; Ministry of Transport Sub-Committee; Grant Claims and Loan Sanction Procedure Sub-Committee.

It is impossible in a short review to do justice to the detailed suggestions. In any case there will be an acid test of their efficacy. In twelve months' time will staffs on both sides have been cut down? Will local authorities have recovered at least some of their pride as autonomous bodies?

The recommendations of the Home Office Sub-Committee which covers the Police, Fire, and Children's Service indicate the nature and scope of the suggestions of all the committees. The

recommendations for these services are less technical than some of the others. Incidentally, some of the recommendations bring out only too forcibly the present degradation of local government: they show, for instance, that even the largest authorities may have to seek consents from the centre to the rate of maintenance they propose to pay for a child "boarded out" with foster parents. Against such a background almost any improvement appears spectacular, however many undesirable features still remain. To understand the sub-committees' suggestions in their proper perspective, readers should remember that towards the cost of the Police and Children's Services the Government pays 50 per cent., and to the cost of the Fire Service, 25 per cent.

The recommendations include: the submission of an annual programme of buildings maintenance and construction; permission to do work within the programme without further consent if the project costs not more than £5,000 (Police) and £2,000 (Children); a simplified procedure for the approval of work exceeding these limits; and some simplification in the police statistics. In the case of children "The Home Office will replace the existing control of expenditure on an individual child boarded out by a more general financial control related to the total number of children boarded out. This will obviate the need for reference to the Home Office in particular cases." As to the Fire Service "The Home Office, in consultation with the local authority Associations, will consider what can be done within the terms of Section 19 of the Fire Services Act, 1947, to simplify the procedure for the approval of establishment schemes and to allow for some measure of variation at the discretion of the fire author-

ity." There are, of course, other recommendations, all of the same type.

The other sub-committees for specific services have made similar recommendations. The Grant Claims and Loan Sanction Procedure Sub-Committee suggests the acceptance of the authorities' own audited accounts as the basis of grant claims, uniformity of practice between departments in the admission of administrative expenses for grant claim purposes, block sanctions for loans—all are practices which the local authorities have been urging the government departments to adopt for many years.

Though there are branches of the administration apparently not considered by the committees, taken together the proposals should carry local authorities some distance. If they are developed and later expanded they may take local authorities out of the wood. But there are many miles still to go before they get out of the shadow of the wood into the open country. The plain fact is that local authorities have been deprived of large undertakings such as gas supply, which they ran—very well—with hardly any central supervision and have received in exchange services much smaller in scope, e.g., the Children's Service, in the administration of which local authorities are bound hand and foot to the government. Knots of this kind take some time to untie.

A second report of the Committee is to deal with "the methods of procedure and organisation for handling the various services at the local authority end." Local authorities should be as willing to reform their internal administration, where it is defective, as they are to press the central government to put the departmental machinery in order.

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Nationalisation in France

The first report of the *Commission de Verification des Comptes des Entreprises Publiques* was published as an Annex to the *Journal Officiel* for August, 1949. This report covers the accounts examined by the Commission in 1948 and in the early months of 1949.

The Commission was set up by the law of January 6, 1948, with the duty of making a general report each year to Parliament, the Prime Minister and the Court of Accounts (*la cour des comptes*) on the activities and the results of the public enterprises under its jurisdiction. It has to draw attention to the changes which appear to be called for in their structure or organisation and to give its opinion about future prospects.

In practice, if not in form, its scope extends to all the industrial and commercial establishments owned by the State, all nationalised enterprises and all companies in which the State owns the majority of the capital (*sociétés d'économie mixte*). Its jurisdiction, however, does not extend to bodies in which most of the capital is owned by the undertakings which as parent companies are within its sphere. It covers the Paris public transport and two public undertakings in Algiers but not local public enterprises generally.

One of the reasons for submitting all of the public undertakings to control by the same body is to bring about unity of views, doctrine and legal provisions. The commission is advisory but those responsible for the public enterprises cannot be acquitted of their accounting responsibilities until the Commission has examined their accounts.

The Commission is given the following responsibilities:—

(1) To satisfy itself about the various accounts, inventories, etc., of the different undertakings, and to propose any improvements which seem to be necessary.

(2) To analyse the results of the operation of the undertakings and to bring to light their financial situation. In doing so, it must have regard to

future prospects as well as to the present position.

(3) To express an opinion about the quality of the commercial and financial management and to formulate criticisms and suggestions for improvement.

(4) To propose, where necessary, desirable modifications in the organisation and structure of the undertakings.

(5) To verify the accounts which the representatives of public establishments present to the Court of Accounts.

The majority of the 11 members of the Commission are Magistrates of the Court of Accounts, and the remainder are high officials of the Ministry of Finance and the Economic Secretariat. The rapporteurs are chosen from the Magistrates of the Court of Accounts, members of the Civil Service generally, officials of the Ministry of Finance and Economic Affairs and of the Ministries concerned with the technical aspects of the activities of the undertakings. To the extent that funds permit, it can also draw upon honorary Magistrates of the Court of Accounts and former officials.

This system has the merit of being economical and of enabling the Commission to draw upon people chosen for their administrative and financial experience. It has, however, suffered because of the difficulty of getting enough rapporteurs, and because the demands of the agencies from which they and the members of the Commission are drawn has meant that some of them have not been able to give up enough time, or have been switched to other work with a consequent lack of continuity. The Commission has not been able to get ahead with its work as quickly as it would like for these reasons and because of delays in obtaining information, etc., from Government Departments and from the public undertakings themselves.

The first report covers the following public undertakings. The section covering fuel and power deals with *Les Charbonnages des France*¹ and the nine autonomous coal fields; *Electricité de*

France, Gaz de France and a bank specially established to provide capital for the electricity and gas undertakings. The next section deals with Air France a mixed undertaking in which the Government is the majority shareholder. Another section deals with certain public enterprises grouped under the heading of credit, insurance and information, viz., *Agence France-Presse*; *Société Nationale des Entreprises de Presse* (S.N.E.P.) and *Agence Havas*. Finally, there is a section dealing with certain engineering and industrial concerns, viz., the Renault works; a body set up to dispose of surplus war materials; and a company concerned with research into a construction of aero-engines.

Conclusions.

The picture as a whole is described as rather gloomy, but the Commission points out that the period covered (i.e., the accounts for 1946 and 1947) has been one of peculiar difficulty, and that it would be wrong to attribute a priori all the financial deficits which have occurred to the fact of nationalisation and its effect on management. Certain of the deficits were due to the decision of the State not to allow prices to be adjusted to an economic level. Increases in price which have been permitted since 1948, the steps taken to reduce costs and, in some cases, the increases in production make the outlook for the future more favourable in general.

Though the Commission has only been able to cover part of the public sector, it feels justified in coming to the following general conclusions:—

(1) The delays in presenting the accounts by the new nationalised enterprises and the very incomplete character of those which have been presented are in large measure due to the failure to solve two problems satisfactorily—the proper figure to assign to the assets to be taken over and the proper compensation to be paid to the former owners.

(2) The accounts are often insufficiently informative. In periods of economic fluidity they can only throw light on the true situation of industrial or commercial enterprises

if the amortisation payments correspond with the effective cost of capital re-equipment. In some cases, the two items have been calculated on the basis of prices operating at different times.

(3) Most of the bodies examined find great difficulty in financing themselves, even when they are able to make ends meet in the short run. Hence the excessive recourse to short or medium term credits. This state of affairs is not peculiar to the nationalised enterprises, but private companies can increase their capital in order to provide part of the additional resources they need. In the view of the Commission the nationalised undertakings will not be in an entirely healthy financial situation unless they are able to increase their capital, and for this they must turn to the State.

The Commission recapitulates the views it had already expressed on excessive staffs and staff participation in management. It considers that the powers already conferred on the Minister of Finance and Economic Affairs as regards remuneration and staff conditions should be maintained and even strengthened. These matters can have serious repercussions on prices, essential services and the public finances. They should not be dealt with solely by the nationalised enterprise itself or by the parent Minister; the Minister of Finance is able to take a broader view and see that a co-ordinated policy is followed and should be brought in.

While the Commission attaches importance to co-ordination, it thinks, on the other hand, that it is essential that State industrial and commercial enterprises should retain to the maximum extent the flexibility of management which characterises private undertakings. The approval of Ministers should only be required for the most important acts in the life of the enterprise or for those which may have repercussions on the national economy. Examples are programmes of production and capital investment, long-term loans, various other questions relating to the accounts and financial arrangements, general measures concerning pay and staff

conditions, the fixing of prices or tariffs in the case of enterprises enjoying a monopoly in law or in fact.

"It is important, moreover, that Ministers take their decisions with speed." The Commission envisages the continuance of the control exercised in the course of the undertaking's operations by the accounting officer put in by the Minister of Finance and Economic Affairs and by the Government repre-

sentative put in on behalf of the parent Department. But their authority should be confined to referring to Ministers measures which are contrary to law, regulation or Ministerial decision. "In these conditions, the progress of the nationalised undertakings depends more than anything else on the choice of the right men—men who combine the maximum competence with scrupulous regard for the general interest."

¹ The nine autonomous coal fields of France are under the general supervision of a central Board, "Les Charbonnages de France." The central Board's responsibilities are to assure the common direction and technical co-ordination of the activities of the coal fields; to prepare the programme of production and equipment; to propose prices; to develop and co-ordinate technical research, etc.; to lay down the form of accounts for each coal field; to arrange for payments between the different coal fields designed to enable them to balance their accounts.

Book Reviews

Foreign Governments: The Dynamics of Politics Abroad

Edited by FRITZ MORSTEIN MARX. New York. (Prentice-Hall, Inc.) Pp. 713. \$6.35.

THE comparative study of contemporary politics is more systematically pursued in American than in British academic circles and the present ambitious attempt to provide a working textbook shows the wide range that this study purports to cover and the seriousness of the approach, as defined by the editor himself in his introductory and concluding chapters. On the other hand, although many of the questions that he raises are the right ones, and ones fundamental to a working theory of politics, the body of the book reveals the limitations quite as much as the potentialities of the method.

In part, this is of course due to the even more than usually difficult choice of a moment at which to write. Generally speaking the authors have been unable to deal with developments much after the end of 1947 so that at the end of 1949, a great deal of what was to them contemporary is by now historical. Mr. John Brown Mason's chapter on Germany deals with the period before the process of setting up two separate German governments had got going; Mr. Paul A. Linebarger's extremely lucid account of Japan and China—one of the most successful individual efforts—was written before the Kuomintang debacle and thus gives much space to issues now settled; and Mr. A. Gyorgy's account of the post-war vicissitudes of the Danubian Governments was written when "Titoism" was only a cloud on the horizon. Furthermore any attempt to apply the comparative method to the actual descriptive work of the political scientist is shown to have great dangers. Even France and Italy which have had and still have a number of common problems to solve in the post-war period are more remarkable for their differences than for their similarities and Mr. Mario Einaudi's attempt to treat them together does not ring true.

But these are really reinforcements of the more general criticism that has to be made. The point is, that as soon as

one comes to the "dynamics" of politics as distinct from the mere description of the legal and institutional framework of the several countries, one is bound to face the unpleasant truth that there is no short cut to such knowledge. For political "dynamics" are only a projection of history forward on to the contemporary scene. One cannot adequately deal with both the history and the institutional framework of any but the smallest and simplest community in a mere fifty or hundred pages, except at the price of a condensation so drastic that the reader will get up with only a clatter of disconnected facts and assertions in his head. The would-be Bryce and the would-be Bodley of this age need both the time and the space that their predecessors had in writing their massive Victorian tomes.

Furthermore one will otherwise tend to get one's politics in a bowdlerized form. Violence and corruption are not simple excrescences on the constitutional order—they are part of it. But except for Mr. Linebarger's chapter, this fact is not made very plain. The clearest example of shortcomings from this point of view is Mr. John N. Hazard's chapters on the Soviet Union. As an account of the constitutional and legal basis of the regime, it would be hard to better. And on the administrative side, it breaks new ground as far as any rate as writing in the English language is concerned. But in spite of its evident merits, it does not in fact give a living picture of Soviet politics; and that not because of any attempt to credit the regime with merits that do not belong to it, but simply because the frame of reference chosen is one that scarcely allows for the full-scale evaluation of the significance of physical terror and intellectual suppression.

The greatest space by far for any single theme has been given to Great Britain and the Commonwealth. But it can hardly be said that Mr. W. Hardy Wickwar has justified his editor's choice.

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A British reviewer must hope in the first place that there are fewer straightforward errors of fact in the chapters where he has to take the author's word more or less on trust. Indeed, considering the many friendly relations between British and American students of government, it is more than surprising that the MS. of this chapter was not submitted to someone in this country who could have told Mr. Wickwar that the Boards of nationalised industries cannot be dealt with by Parliament through the operation of question-time, that the Secretary of the Cabinet and the Permanent Secretary of the Treasury are different persons, that Lord Rothermere does not own the *Daily Mirror*, that no coloured West Indian has so far governed an African colony of this country, and so on, and so on.

Perhaps even more serious is the fact that Mr. Wickwar's approach to the "dynamics" of the situation is totally coloured by his unquestioning adhesion

to the Bloomsbury orthodoxies of the 1930's. The publications of the Fabian Society and even the petulancies of the *New Statesman* are regarded by him as first-hand sources of unquestioned and paramount authority. Thus one gets such *obiter dicta* as "The financial policy that wrecked the Labor Cabinet in 1931 was arranged between the Governor of the Bank of England and the Governor of the Federal Reserve Bank of New York." On the British Press, he repeats all the legends that the Press Commission has laboured to dispel (though admittedly their report came out too late for him to use it).

Mention might be made of brief but informative contributions on Scandinavia and Switzerland by Mr. Mason and on Mexico and Brazil by Mr. Henry P. Jordan. Students (particularly those who only read English) will find the bibliographical notes helpful and up-to-date.

MAX BELOFF.

Current Legal Problems

Edited by G. W. KEETON and G. SCHWARZENBERGER. Volume 2. (Stevens & Son, Ltd., London.) 1949. Pp. ix, 286. 21s.

THIS volume contains 16 weekly public lectures on current legal problems delivered in the Faculty of Law at University College, London, during 1948-49 together with the presidential address of the late Lord du Parc at the Inaugural Dinner of the Bentham Club.

It is impossible in this review to deal adequately with these lectures, covering as they do such a wide variety of legal topics. Most important perhaps is Professor Lawson's "Private Law Aspects of Western Union" in which he reaches the conclusion that the variety of European legal systems is no obstacle to Western Union. He also examines the question whether this diversity should be lessened if Western Union is achieved, and makes some valuable suggestions for the unification of commercial and criminal law. Few will deny his assertion that an efficient system of conflict of laws should ensure that "a case will be decided the same way, whatever the country whose courts are invoked" (p. 238).

Of most interest to public administrators is Professor Wade's "The Constitutional Aspect of the Public Corporation." He regards the Commissioners of Sewers, the Turnpike Trusts and the like as the forerunners of the commercial public corporations of to-day. Because their ancestors have sooner or later been absorbed by government departments he foresees the possibility of the same fate for the modern public corporation. Finding in the statutes creating them "the maximum emphasis on ministerial responsibility" (p. 179), he asks how the present constitutional form of the public corporation can be reconciled with the enforcement of this ministerial responsibility. His suggestion that the answer lies in the appointment of a Committee on National Expenditure is not developed enough for the reader to judge its worth.

There are five articles on criminal law. Professor Vesey-Fitzgerald is dissatisfied with the English law of murder and thinks that it compares unfavourably

with the provisions of the Indian Penal Codes. He deplores "constructive murder" and proposes that a distinction between murder in the first and second degree be introduced. Moreover, a discretion should be given to the Court to substitute a life sentence for the death penalty in the case of murder in the first degree and sentence less than life for murder in the second degree. Mr. Marshall and Mr. Edwards discuss the rather technical problems of "Finding" and "Mens Rea and Bigamy" respectively. It is unfortunate that the former cites the finding of property in buses as an illustration of the inadequacies of our common law, since he does not mention that statutory instruments have imposed country-wide duties on those who find property in public service vehicles. Lord Porter raises some questions of evidence in criminal trials, such as whether evidence of the bad character of the accused should be given, or whether he should be compelled to give evidence. He does not answer these questions but stresses that "confidence in and the popularity of the criminal law are its most essential elements" (p. 25). Mr. Ivamy has performed a useful service in collecting under the title "The Right of Public Meeting" the numerous statutes of criminal law which limit the right of public meeting in London, and in explaining their purport in a clear manner.

In a completely different sphere is Professor Keeton's important article "The Charity Muddle." He shows how the validity of legacies often depends on whether the legatee is a charity and how charities are favoured by English law. He suggests that the enumeration of charitable uses contained in the Statute of Charitable Uses of 1601 was merely a list of objects then regarded as

the most charitable purposes. He maintains that the definition of a charity is fluid, reflecting the prevailing notions of public policy and social benefit.

On jurisprudence Dr. Schwarzenberger suggests that there are three types of groups, the society, the community and the hybrid in which the basic patterns of law are power, co-ordination and reciprocity respectively. Shortage of space prevents him from elaborating this thought-provoking approach. Mr. O'Sullivan makes an eloquent plea for natural law in his "The Philosophy of the Common Law." In his discussion of codification, Mr. Lloyd shows that the authorities in English law are in an unmanageable state, but does not solve the big problems confronting any scheme of codification—for instance, the role of judicial precedent, legislation and textbooks in a codified legal system.

Professor Jolowicz contributes an erudite paper on "Some English Civilians" but what "Current Legal Problem" was under review is not clear. Mr. Fitzgerald examines some current problems of the Commonwealth—should disputes between India and Pakistan be referred to the United Nations? Should the decision that Newfoundland join Canada be made on a referendum or by the legislatures of Newfoundland? Are these "legal" problems? The series ends with two further excursions in the international sphere, Professor Krawinkel's "Law in the British Zone of Germany" and Mr. Green's "Membership in the United Nations."

The decision to publish these lectures in an annual series is most commendable: he who finds nothing of interest in these pages is indeed hard to please.

H. STREET.

Freedom Under The Law

By SIR ALFRED DENNING, L.J. The Hamlyn Lectures, 1st series. (Stevens & Son, Ltd., London.) 1949. Pp. viii, 126. 8s.

ONE of the objects of the Hamlyn Trust, which came into existence in 1948, is to provide lectures on law with a view to their being made available in book form to a wide public.

The first series of four lectures was given by Lord Justice Denning in October and November, 1949. Legal writings by our judges are sufficiently rare to be always of great interest: that

interest is much quickened when the judge is as progressive and stimulating a thinker as Lord Justice Denning has proved himself to be in the judgments which he has delivered since his elevation to the Court of Appeal and when he also sets out to expound current legal issues for the benefit of the common people of England. The publishers are to be congratulated on publishing these lectures almost as soon as the last lecture was delivered.

In the first lecture there is a lucid account of the part which the judges have played in protecting personal freedom. The use of the writ of *Habeas Corpus* to prevent the detention of any man against his will and not by sentence of the courts, is described by reference to a series of cases from the Stuart period to 1948. There is praise too for the working out by the judges of the law of arrest in such a way as to give the police "no greater power than is absolutely necessary for the protection of life and property" and at the same time to make them accountable in the courts for any excess of their strictly defined powers. The judges too have safeguarded freedom from oppression while under arrest. With English law which has known no case of torture since 1627 are contrasted the *Mindzenty* and *Rajk* cases.

The second lecture deals with freedom of political and religious belief and racial freedom. Chief credit for the preservation of these freedoms Lord Justice Denning attributes to the jury system. The conservation of some text books notwithstanding, he is satisfied that "the offence of blasphemy is a dead letter" now that a denial of Christianity is no longer "liable to shake the fabric of society" (p. 46).

The third lecture handles the more controversial freedoms of property and contract. He admits that nineteenth-century judges were wrong in recognising only the rights and not the responsibility of property and in allowing "anyone who had a bargaining lever . . . to exploit it for his own benefit . . . under the name of freedom of contract" (p. 69). Not all jurists would agree that the courts have done everything possible to overrule some of those decisions which have

operated so harshly on tenants, but at least it can be agreed that when Parliament has intervened "so as to give the public good its proper place" the courts have of late done all in their power to carry out the intention of Parliament. The importance of this co-operation between the courts and the House of Commons is very great.

Lord Justice Denning sees now "a striking re-orientation of the duties of the individual to his neighbour and to the community [which] is only matched by the duties which have been imposed on the community towards the individual." (p. 12). The judicial function of enforcing these last mentioned duties is entrusted to administrative tribunals, and of this he approves. He regards it as vital, however, that these tribunals should be independent. This independence is to be maintained by giving the members of the tribunals higher salaries and more security of tenure, by the introduction of more precise rules of evidence and procedure, and above all by providing an appeal on questions of law to a superior court which can also review for excess of jurisdiction. A series of Supreme Courts welded into the Supreme Court of Judicature, publishing decisions and forming a body of administrative law is contemplated.

In the last lecture Lord Justice Denning examines the role of the courts in the light of the vastly increased powers of the Executive. Over these powers (the necessity of which he does not deny) the courts should have no control "so long as they are not exceeded or abused" (p. 100). He makes the important suggestion that the old-established principle is "that when powers are given for the furtherance of the public interest the judges will not allow them to be used oppressively or unreasonably" (p. 110). He thinks the French "*détournement de pouvoir*" is to be followed by English courts which will "insist on the powers being exercised genuinely for the purposes conferred by Parliament and not for any ulterior purpose" (p. 117). He frankly recognises that in the field of requisitioning and compulsory purchase for town planning or new towns this is

the limit of the control of the courts—no longer can they require the Minister or his staff to follow a judicial procedure at local inquiries and the like.

Clearly though the freedoms of person and speech are described, it is the

author's far-sighted and well-balanced approach to the problems of administrative justice that makes this book so important to all interested in public administration.

H. STREET.

Setting up a New Government Department

By H. V. RHODES. (British Institute of Management.) 1949. Pp. 47. and Organisation Chart. 2s. 6d.

IN No. 3 of their Occasional Papers the British Institute of Management break fresh ground. I remember Louis Brownlow in 1936 bewailing the fact that those who had set up the British national insurance system in 1911 had not chronicled their administrative experiences. As a result the Americans who were interested in developing an efficient social security administration could not draw upon that experience. What a tremendous lot of administrative experience in very many fields has been lost because nobody concerned has had the time to write about the problems which arose, how they were tackled, with what success and so on.

It was very enterprising, therefore, of the British Institute of Management to ask H. V. Rhodes, the Director of Establishments and Organisation in the Ministry of National Insurance to give an account of the formation of his Ministry. Mr. Rhodes has tackled this rather difficult assignment in the competent and straightforward manner we would expect from an administrator of his experience. Starting from the scheme of benefits and allowances that the new Ministry had to administer he takes the reader through the various stages—preparation of the two main Bills, the search for accommodation, the taking over of the Approved Societies, etc. The Ministry was established by an Act passed on 17th November, 1944. In the last six months of 1948 the Ministry handled more than 12½ million callers at its local offices and dealt with more than 4 million claims for benefit. It took over from other Departments some 6,500 staff at 1st April, 1945; by 5th July, 1948, it employed 32,000 of whom 16,000 had been through the

Staff Training scheme. So there is a lot to be learnt from Mr. Rhodes' account of these four strenuous but rewarding years. As for the conclusion Mr. Rhodes wisely warns the reader against assuming that the lessons are capable of general application. He does, however, go on to say:—

"Yet some lessons, embodying basic principles of organisation, stand out clearly. As illustrations there is the importance of having an initial framework, or assuming one, even if it means bold guesswork; there is the desirability of spreading planning among the top people, as they are recruited, instead of trusting to a single planning section, except for co-ordination and control; there is the great part to be played by O. & M., a part not limited to giving advice; there is the importance of recognition of the human element from the beginning, as shown in the provision of staff relationships, training and an acceptable promotions system; there is the desirability that organisation and legislation should go hand in hand; there is the practical inevitability of extensive 'serialisation' of processes to begin with; there is the utility of Committees to settle and to hasten, not constituted *ad hoc* in accordance with particular pressures, but carefully contrived as a series and designed to allocate responsibility, to see that it is duly discharged, and to gear the preparatory work to an ever-increasing tempo; and there is the importance at all stages of definite programmes, or 'orders of battle.' Over and above all this, and far transcending it, is the realisation that it is the men and women charged with the setting up of the new Department who really matter, rather than abstract conceptions

or rules of any kind. They must be born optimists who never take 'no' for an answer. And they ought to be provided with telescopes, never microscopes. In

the earlier stages of large-scale organisation, detail is the deadly nightshade."

D. N. C.

Administrative Tribunals at Work

Edited by ROBERT S. W. POLLARD (Stevens) 1950. Pp.144. 17s. d.

This small volume of seven essays is intended as a companion commentary to Professor Robson's *Justice and Administrative Law*. Each essay describes the working of one tribunal or group of related tribunals and then usually includes an evaluation in terms of the criteria of the latter work. In this respect the book performs an invaluable service since, as Professor Robson points out in a foreword, there has been little or no attention given to the work of administrative tribunals—certainly nothing comparable to that devoted to delegated legislation—and his work remains the starting point for such investigations.

We are warned in the foreword that the authors of these chapters do not always agree with Professor Robson's criteria and conclusions, and such disagreements appear particularly in their refinement by the editor in the introduction, and in later chapters in the evaluation of particular tribunals. There remain here, however, as in the parent book, certain inarticulate premises which are for the most part uncritically accepted. The most significant of these is that such tribunals decide between the claims of adversary parties. This assumption produces an uncritical condemnation on the ground of bias of any identity between the investigator and the one who decides. Certainly where adversary interests do exist one of them should not possess the power of judgment, but one suspects that this occurs somewhat less frequently than is implied. Thus the Minister of Labour can hardly be said to have an interest adverse to that of a conscientious objector, or to that of an applicant to an Assistance Board appeal tribunal. Certainly procedures of this kind are hardly analogous to the work of a rent tribunal adjudicating between a landlord and a tenant. Again, somewhat illogically to this reviewer, the preparation of a valuation list by a local rating authority constitutes the authority

a "party" to a proceeding before an assessment committee which has approved the list in draft and is hearing property owners' objections.

This confusion may stem from the Report of the Committee on Ministers' Powers which defines the judicial function in terms that appear to limit it to procedure of an adversary character and which defines a disqualifying interest as existing in any situation where "the Minister's Department would naturally approach the issue to be determined with a desire that the decision should go one way rather than another . . ." This is true so long as the word "issue" is thought of only in terms of the rival claims. But to the degree that the facts are uncontested and the issues concern matters of policy, independence of the deciding authority from the control of a Minister will produce confusion. Thus the noted diversity in decisions of local tribunals of various kinds is taken as evidence of a need for a central appeal tribunal rather than as evidence of a lack of policy which should be supplied by the appropriate department or in the statute itself. To provide such a tribunal under these circumstances would merely offer a disappointed litigant an opportunity to reopen questions of policy and shift the authority to determine them to a body which by definition is politically irresponsible.

These words—with which many will disagree—are not intended so much as a criticism of this book (for basic questions seldom reveal themselves at the outset of a new investigation) as of the vast open spaces in the literature of the field—spaces which this volume and others like it will do much to occupy. The size of the need is indicated by a most useful list of existing administrative tribunals which forms one of the appendices to the book.

FOSTER H. SHERWOOD.

School Stresses

By JOHN W. SKINNER. (EPWORTH). 1949. Pp. 125. 6/-.

THIS is a disappointing book. It is still so rare to find a teacher—particularly a head teacher—prepared to test his work by reference to the opinion of his ex-pupils that perhaps one expects too much from the result.

Mr. Skinner has been head of a direct grant school in Suffolk for some years, and towards the end of his teaching life became interested in the function of the grammar school in the society of to-day. He drew up a questionnaire containing six questions—sent it to 250, whom he subsequently referred to as the Elders, of his old boys, and received replies from 205—a gratifyingly high proportion. He chose those who had left school at least two years before, otherwise the replies came from a fair cross-section of the pupils. He asked them to place in order of their values to them the following elements of their school education:—

1. What you were taught in class for examinations.
2. What you were taught in class *without* regard for examinations.
3. Out-of-school activities (including games).
4. The natural setting of the school.
5. The social life of the Community, its human contacts between boys and staff, and boys with each other.
6. The religious life and atmosphere of the school.

Each of these points was amplified in the questionnaire.

Number 5 was placed an easy first, and 1 and 2 came extremely close together with 2 leading. Mr. Skinner was naturally very pleased with these results and the fact that number 5, which was top of the boarders' replies and second in those of the day boys, shows that he and his staff must have been extremely successful in what should be a most important element in school life, but which is not always so in day schools. The combination of a boarding and a day school presumably helped in the result.

Number 6—the religious life and atmosphere—came last in the combined total and second to the last in the boarders' replies. At the same time in the details asked under this heading the question of compulsory chapel was raised. There was a big majority in its favour. Mr. Skinner, who feels that the spiritual atmosphere of the school is all-important, and whose school was founded by a religious denomination, was naturally disappointed. He had not included in his detailed questions one asking if the Elders attended church regularly, yet the effect on their adult life of compulsory attendance during their school life is surely important.

The detailed questions covered the whole range of the curriculum and its effect on the pupils in later life. The rest of the book is taken up with Mr. Skinner's criticism of the syllabus of external examinations—particularly School Certificate for he has no criticism of the Higher School Certificate, and the importance of non-examination subjects and his conception of the functions of the grammar school. But the reason why the book becomes so disappointing after the second chapter about "The Enquiry and the Findings" is because Mr. Skinner does not make use of either these results or his own experience as a teacher of French to say anything new about the curriculum. He deplores the isolation of subjects and the specialisation that is necessary to win University scholarships and that in turn sends specialist teachers back to the schools, but he assumes that the first is a matter for the individual teacher and the second a concern of the Universities. He criticises school certificate French—which he himself taught—admits that the examining bodies are ready to receive an alternative syllabus from teachers, but apparently even in his own subject never sent one in.

One is left with a curious feeling of the helplessness of a head teacher. Mr. Skinner explains that he altered the balance of the timetable, but apparently he had no power to alter any of the syllabuses. This explains the common

phenomenon of distinguished Heads of schools who make impeccable speeches about the evils of specialisation at too early an age but whose schools succeed in winning open scholarships because the staff practise something completely different from what the Head preaches. Might there not be an understanding in

future that a practising teacher should only write about the curriculum if he is able to describe experiments he has himself made or supervised and their results? It would reduce the flow of books on education but the ones that survived would be worth reading.

SHERA D. SIMON.

Southern Politics

By V. O. KEY, JNR. (Alfred Knopf). New York. 1949. Pp. 675. \$6.

"ON-THE-SCENE, off-the-record, a panoramic state-by-state survey of the realities of Southern politics today." Thus runs the dust-cover of this remarkable book whose most serious fault is a style which, though readable enough, too often resembles the publisher's blurb. It would be a pity if the racy jargon of the author were to lead anyone to under-estimate a serious and very important study of the political problems of the Southern United States, a study which should interest all students of political behaviour.

Under a grant from the Rockefeller Foundation Professor Key (of Johns Hopkins University and now of Yale), with several helpers, has spent the best part of three years upon what is probably the most elaborate field study ever undertaken in the practical business of politics. The book is based not only on comprehensive research along conventional lines, but also on several hundred interviews with politicians and journalists in the eleven States of the "Solid South." Having thoroughly digested the findings of his investigators, Professor Key has produced a work which not only throws much new light on one of the most critical problem areas within the frontiers of the Western Democracies but also shows the great possibilities of carefully planned and well financed teamwork in political research.

Professor Key devotes the more impressive half of his 700 pages to State-by-State studies which make clear the wide diversity of forms taken by the one-party system in the South from the relatively simple Virginian situation—the Byrd machine versus the rest—to the chaotic "multi-factionalism" of Florida

or Arkansas. The rest of the book is given up to a discussion of the forces which lead the South to take its unique and relatively cohesive stand in Federal politics, to an exposition of the general methods of political campaigning in the one-party South; and to an analysis of the composition of the Southern electorate and the nature and efficiency of the discouragements to voting placed in the way of the Negro—and the poor white. His conclusion is a very temperate hope that the gradual but quickening progress towards fuller democracy which has been manifest of late will continue.

A large amount of information is compressed into 700 pages without—except in parts of the last section—being made indigestible. In so vast a field every reader will of course find omissions. There is no reference, for example, to the impact of the T.V.A. in the recent politics of Tennessee and Alabama. The consequences of a reform in the Electoral College system (which, however unlikely has at least been endorsed in both the U.S. party platforms) are not discussed. Further information might have been given on the scale of the spoils of office. And most readers will regret that more space is not given to general summaries and conclusions and that so little is said about the methods of research that were employed.

In an area where all politicians belong to the same party they tend only to unite in mistrustful and shifting coalitions, coalitions based on personalities rather than policies; and the ordinary voter is to a large extent deprived of effective control over public policy. For the survival of the one-party system with all its pernicious consequences the

racial problem is primarily to blame. Those who see their social status and economic prosperity threatened by any improvement in the position of the Negro have been able to persuade the rest of the South of the necessity of a united front to the nation within the Democratic party. They have been aided and abetted by those who chiefly fear radical demands from the poor white and who find the bogey of Negro supremacy an admirable diversionary issue. The wealthy and powerful have always found it easy in the chaos of corrupt "non-partisan" politics to stifle unwelcome measures by judicious pressure on State Legislators. People in Britain who speak about the evils of the party system and sigh for a Parliament of Independents should study what happens in States where, since there is only one party, there can be no semblance of party responsibility.

Politics everywhere is not so much carried on in debating chambers as in

innumerable private conferences and conversations; but only in novels has much been written about this aspect of affairs. Professor Key's main triumph is the way in which he manages to catch the transactional atmosphere of politics. When he writes of lobbying or bribery or "counting out" he seems to have before him not only the opinions of many actually in the game but also specific and well documented instances drawn from many States. Past writers have had to rely on their limited experience or their intuition about the extent of such practises. The research behind this book makes possible a balanced and authoritative appraisal of the practical business of politics. It is for this, as much as for the extensive new light thrown upon the Southern problem, that this original and exciting work of scholarship should be welcomed.

DAVID BUTLER

Government Publications for the Citizen : a report of the public library enquiry

By JAMES L. MCCARRY. (Columbia University Press: London: Geoffrey Cumberlege). 1949. Pp. xiv. 139. 20s.

THIS is an extremely useful survey of the present machinery for publication and distribution of United States Government information to the general reader. The author's main attention is on the publication themselves—their purposes, content, and actual functions, and the various agencies which take part in the distributive process. Dr. McCarry contends that in the dispersion of this information to a wide audience, the public library should play a leading part. The character and distribution of Government documents; the library's use of these documents; library and government co-operation, are specifically dealt with and many useful suggestions are made for changes in the present system by co-operative effort on the part of Government agencies, legislative bodies, and public, university and research libraries in order to get a more efficient use of Government publications and a resulting better informed citizenry. "Neither Government nor the library

has put much effort into making Government publications available." Among the seven defects in the present system are: the Government lists all publications in the same way, by agency rather than by subject—no distinction made between publications which contain important information and argument on broad public problems and those which present routine factual information—there is no sure way under the present system for the librarian to know which Government publications will be of general interest—the distribution of Government publications "reveals a complex and frustrating confusion concerning the purpose of publishing and the function of government. It reveals a mass of contradictions." Some agencies give away as many publications as they can afford, but the law forbids the Government Printing Office to give to anyone save a limited number of depository libraries. Yet some 85 per cent. of Government publications are given away under

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appropriations passed by the same congresses which keep the restrictions and law on the books; much government information is lost because it is contained in processed documents, uncatalogued and undistributed. Government publications are available widely only in libraries serving towns of more than 100,000 population, and even these are used mainly for reference. Much of the criticism on these matters might be levelled at this country, but it is only fair to say that the Stationary Office in recent years has made great strides in its publicity work. The Libraries here, in my opinion, have never, as a whole, interested themselves sufficiently in Government publications. There are notable exceptions, but few in number.

As Dr. McCarry points out publications of vital public interest ought to be easily available to the general public. Few people can afford to pay 6s. 6d. for the 1948 report of the National Coal Board, half of which is taken up by financial and other statistics, but the first 130 pages are of the greatest importance to the citizen and a cheap edition of this portion would undoubtedly produce a profit to the Stationary Office and certainly a better informed public. Dr. McCarry's volume deserves the closest study by governments outside the United States. His criticisms are well-founded and his suggestions appear both sane and practical.

B. M. HEADICAR

Problems of Local Government in England and Wales

By FRANK JESSUP. (Cambridge University Press). 3s. 6d.

It must be confessed that many books on local government, though worthy, are dull. Mr. Jessup's treatment of the subject does not come into this category. In a pleasingly modest Preface, he advises us that he is going to present us with his opinions on specific problems rather than give an account of the structure and functions of local government. The vigour with which he argues his case certainly gives the book its vitality. At the same time, despite the author's disclaimer, his pages are packed with informative material.

Mr. Jessup realises that the recent transfer to central government of functions hitherto performed by local government was not the product of malice aforethought by Ministers and Whitehall civil servants. Something is manifestly wrong with local government. Mr. Jessup seeks to diagnose that sickness and to suggest palliatives. One thing at least is comforting; he does not belong to the fashionable school of those who find their panacea in the emergence of new areas. It is pleasant to find him belabouring those who advance their case "by postulating the ubiquitous suitability of certain preconceived types of local authority." Not that he ignores the problems of area. He approves the

1947 Report of the Local Government Boundary Commission, calling it, "one of the most significant recent contributions to local government."

Two points are argued with particular cogency. Firstly, control by the central government is both too wide in scope, and too niggling in detail. The author suggests the setting up of an Administrative Tribunal which may review cases where a Minister has refused to sanction a scheme or proposal put forward by a local authority. He brings in a very pertinent contrast. Under the Education Act 1944 any independent school about to be struck off the register has the right to appeal against the decision of the Minister to an independent Tribunal. Such a concession is never given to the London County Council or the Manchester Corporation if they differ from the Minister's view as to the contents of their Educational Plan for their respective areas.

Secondly, he is concerned with the question of human beings and the part they play in local government rather than with the mechanism itself. In consequence he has a good deal to say about the quality of councillors, methods of recruitment for the local government

service, and the means of removing public apathy. This treatment gives the book a sense of balance. It is not easy to adumbrate a system whereby ordinary people take a share in planning rather

than become the material of which plans are made. Mr. Jessup has made a contribution to the working out of that system.

IVOR GOWAN

The Use of English

By B. IFOR EVANS. (Staples Press Ltd.) 1949. Pp. 156. 7s. 6d.

THIS is called by its author a primer of Direct English, and he defines Direct English as the use of English, preserving the natural idiom of the language, with a close regard to lucid expression and to brevity. "Oh, yes," the reader of Public Administration will think, "Plain Words and all that." Dr. Ifor Evans, indeed, makes early and approving reference to "Plain Words," and says "I am here suggesting that (Sir Ernest Gowers's) stimulating and suggestive approach should be followed by more detailed proposals on method."

About a third of the book, however, is concerned not with Direct English at all but with analyses and comparisons of other literary and oratorical styles, including those of Lyly, Milton, Burke, Carlyle and Ramsay MacDonald. The simple public servant in search of practical working rules can safely skip those chapters.

The main theme of the "primer" chapters is brevity. "Government loses very substantial sums yearly by the time consumed in the composition, the reproduction and the reading of the unnecessary words in all the written matter which it circulates." The author takes a passage of 154 words from the Beveridge Report and rewrites it in 72. He shows how an advertisement in the Public Appointments column of *The Times* costing £5 8s. can be rewritten to cost only £3. He also points out that the replacement of Esq. by Mr. in official correspondence would save typists some millions of taps every year.

The weakness of the book, it seems to me, is that Dr. Ifor Evans seems to regard all of the three reforms just mentioned as equally meritorious: which surely they are not. Cutting out words from advertisements which are going to cost 6s. a line is certainly a

technique which the competent administrator should master. But cutting out words from ordinary official documents on a naive theory that every word eliminated is so much of everyone's time saved seems to me a misguided exercise. A too highly compressed sentence is not easy to read; a garnish of inessential connecting words, if it is not overdone, usually helps both the eye and the brain. (In Dr. Ifor Evans's own sentence which I quoted in the last paragraph there is an inessential "very" and at least four superfluous "the's", but nobody would seriously complain that the sentence is more difficult to read because they are there).

Dr. Ifor Evans has thought of this and says sternly that we have grown too accustomed to "having the meaning thinned out by phrases which do not themselves contribute actively to the content" and that it is only a matter of mental discipline to accustom ourselves to do without such phrases. I can only say that I need more convincing of that.

There is one other point at which I disagree with Dr. Ifor Evans—his suggestion that Direct English need not be employed on all occasions and "by all means let private communications be written easily and if necessary lazily." A great many of us in the public service can write plain lucid English quite well when we try, and the trouble with us is that we have to write so much (semi-official letters, minutes on files, notes to remind ourselves of telephone conversations) that is informal and hurried and gives us neither time nor occasion to try. After a few years it ruins our English altogether, and it seems to me that anyone who sets out to improve official English would really do better to begin with our informal writings than to treat them as unimportant.

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However, we shall never achieve perfection. Undoubtedly we do need frequent and fresh reminders about trying to write good English; and as

there has been rather a lull, not to say a backsliding, since "Plain Words," Dr. Ifor Evans's book is timely and useful.

DOROTHY JOHNSTONE

Education for Librarianship

By J. PERIAM DANTON. (UNESCO public library manuals), Pp. 97. Bibliog. 1949. UNESCO. 2s. 6d.

THIS is the first of a series which will deal with fundamental questions of library work. The present volume is concerned with library schools and methods of instruction, the recruiting and selection of students, administration of the library school, the placement of students and professional education outside of library schools. It forms a most useful handbook, containing several practical hints for instructors and students. The author is the Dean of the School of Librarianship of the University of California, and he has quoted the varying views of many librarians and other authorities on the arguments involved. Mr. Danton considers that the best location for a library school is in association with a University, where faculty and students may call upon the knowledge of men in other departments in the institution. "A school of librarianship must, by its very nature, be concerned with subjects other than technical librarianship; it cannot stand apart from interests and developments in such fields as literature, economics,

sociology, political science, history and bibliography." There is no attempt to decry other means of providing an educated and trained personnel outside library schools, such as conferences, in-service training, and the like. Where professional certificates issued by such bodies as the Library Association in this country, are available, there is no doubt that practical work in a recognised library is a great help to candidates sitting for examinations. The bibliography is extensive, but naturally is mainly American, for although vast strides have been made in this country in recent years in the field of professional education, there is a long way to go before we reach such an advanced stage as exists in America. It is to be hoped that Government officials, education authorities, as well as librarians will make a point of studying this small work and thus realise that the responsibility for developing libraries and for training librarians lies very much with them.

B. M. HEADICAR.

Hospitals Year Book, 1949-50

Ed. by J. F. MILNE. Pp. 1100., 1950. (Institute of Hospital Administrators). 37s. 6d.

THIS new edition of the Year Book, is the first to be issued under the auspices of the Institute of Hospital Administrators. There are many changes, with additions and some omissions, compared with previous issues. An important new section provides technical and other reference information for hospital administration on hospital planning, construction and maintenance, and a series of indexes to Statutory Instruments and official memoranda issued by the Minis-

try of Health. Other new sections include a directory of Ministry of Pensions hospitals: directories of local health authorities and of executive councils. The hospital directory section has been considerably extended and revised. The detailed statistical tables for individual hospitals have had to be omitted, for the simple reason that the information is not yet available. The special articles, which have always been a feature of the Year Book, include a

review of the administration of the hospital service during the first year of the National Health Service. Dr. Alner W. Hall writes on the "Planning and Construction of Hospitals," Dr. W. Rees-Thomas on the "Mental Health Services," Dr. Geoffrey A. Robinson on "The Financial Administration of Hos-

pitals under the National Service Act," and Dr. John Munro Fraser on "Personnel Management." The volume is a veritable mine of information on all aspects of the National Health Service, and is an indispensable work of reference in this field.

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Book Notes

Progress on Hoover Commission Recommendations.

THE Senate Committee on Expenditures in the Executive Departments has now reported on the Hoover Commission Recommendations (Senate Report 1158, October 1949). Each of the Commission's reports and recommendations is analysed in turn and the views of the Departments concerned are given. Then note is taken of any legislation arising out of the Commission's reports, whether already passed or pending. This indispensable document contains 388 closely printed pages.

Public Administration in Australia.

THE September, 1949 issue of the Journal of the Australian Regional Groups is a particularly interesting number and among the features are articles on the Australian Joint Coal Board (T. H. Kewley and Joan Rydon); the Training of Commonwealth Public Servants (J. J. Betts); the Extent of the Defence Power in the Post-War Period (H. W. Arndt) and the Administrative Structures and Problems of State-owned Utilities in Western Australia (Bruce Graham).

Units of Government in the United States.

By WILLIAM ANDERSON. (Public Administration Service, Chicago.) 1949. Pp. 50. \$ 1.

THIS is a reprint of the edition revised in 1942. Professor Anderson, however, adds a short appendix indicating the general trend since 1942. The only major change is the decline in the number of school districts following upon a widespread campaign to reduce the number of separate school administrative units.

Bermondsey Story.

By FENNER BROCKWAY. (Allen & Unwin.) 1949. Pp. 246 + xi. 15s.

THIS book is an admirable corrective to those who think of social progress wholly in terms of Acts of Parliament, speeches by Ministers and decisions on paper by central and local officials. Mr. Fenner Brockway tells the story of Dr. Alfred Salter who devoted his energy and talents to improving the lot of the people of Bermondsey. It shows how much one man fired with an ideal can achieve and it helps to explain the human forces underlying Britain's social progress.

Political Studies in France.

IN November, 1949, the newly established *Association Française de Science Politique* held a conference at which three main questions were discussed: the study of political parties; problems of terminology and the role of economic doctrine in politics. The report of the Conference has now been made available by the *Fondation Nationale des Sciences Politiques*, 37 rue Saint Guillaume, Paris, VIIe. The report includes a detailed plan for the study of the internal structure of political parties drawn up by Professor Maurice Duverger of Bordeaux University.

Colonial Government: annotated reading list on British Colonial Colonial Government, with some general and comparative material upon foreign empires.

By MARGERY PERHAM. Pp. xvii., 80. 1950. O.U.P. 4s. 6d.

THIS reading list contains 621 annotated items and provides a selective working list of books, official publications and journals in this important field of study. It should be of great value not only to the Colonial Services but to those less informed on such matters who wish to have guidance in their preliminary reading.

Oxford Economic Papers.

New Series. Vol. 2. January, 1950, No. 1. O.U.P. 12s. 6d.

OF immediate interest in the contents of this journal is D. N. Chester's "Note on the price policy indicated by the Nationalization Acts"; C. A. R. Crosland's "Prices and Costs in Nationalized undertakings" and "Measurements of efficiency", by L. C. Hawkins (of the London Transport Executive).

United Nations: National and international measures for full employment: report by a group of experts.

Pp. vii., 104. 1949. United Nations, Lake Success. 5s.

THIS timely report is a unanimous one. In addition to a survey of the nature of the full employment obligation and policies, it contains recommendations and programmes for national and international measures for achieving stable employment.

Law Relating to Hospitals.

By S. R. SPELLER. 2nd ed. (H. K. Lewis & Co., Ltd.) Pp. 587. 42s.

THIS is the second edition of what must now be a standard work on this important subject. It covers not only the law governing the more obvious aspects of hospital work, e.g. the statutory powers and duties of the Regional Hospital Boards and the legal position of patients in hospitals, but also the law of master and servant as affecting hospital staff, the law concerning charitable trustees and so on.

Whiskey Production Tax in Kentucky, 1933-47.

By O. F. TRAYLOR. Pp. 53. \$0.50.

Taxation of Thoroughbred Racing.

By R. W. JENNINGS. Pp. 126. \$1.00.

IT is obvious from their titles that these studies of taxation practice and policy come from Kentucky. They are Numbers 19 and 20 of the *Bulletin of Business Research of the University of Kentucky*. The second study has some interesting information about the business side of American racing and also deals with taxes on betting and with the working of the pari-mutuel system.

Measurement of Productivity, 1949.

Pp. 15. 1s. 6d.

THIS is the interim report of the joint committee of the Institution of Production Engineers and the Institute of Cost and Works Accountants.

Compulsory Purchase of Land.

By A. J. W. JEFFERY. 1949. (Thomas Bank Publishing Co., Ltd.) Pp. 145. 15s.

THIS book is intended as a practical manual for those local government officers concerned in the detailed work of preparing compulsory purchase orders under the Requisition of Land (Authorisation Procedure) Act, 1946. The book is arranged in the order in which the various steps involved in making a compulsory purchase order have to be carried out, and goes on to deal with the action necessary to get the order confirmed, to bring it into effect and to secure the assessment of the compensation. The forms and precedents are also arranged in the order in which they are likely to be required.

Wage Statistics and Wage Policy.

By A. C. PIGOU. 1949. (Oxford University Press.) Pp. 44. 2s. 0d.

THIS is the Stamp Memorial Lecture for 1949. It is mainly concerned with elucidating and establishing the trend of wages over the past 60-70 years.

Short History of O.P.A.

By HARVEY C. MANSFIELD and associates. 1948. (U.S. Government Printing Office.) Pp. 332. \$0.55.

THIS is No. 15 and the last volume in the General Publications covering the war-time history of the Office of Price Administration. Earlier studies deal with the beginnings of the Office; Field Administration of War-time Rationing; Problems of Price Control and Food Rationing. This broad survey covered both policy and administration. British readers will be particularly interested in the chapters dealing with Rent Control, Rationing and Organisation and Administration. There is a well-digested mass of material whereby American and British experience can be compared—if only there existed a corresponding British study.

How Cities can cut Costs.

By CLARENCE E. RIDLEY and O. F. NOLTING. 1949. (International City Managers Association, Chicago.) Pp. 52. \$1.00.

THIS pamphlet contains 542 questions designed for use by municipal officials who want to determine the extent to which the administration of local activities measures up to tested practices. The questions are based on current American practice and most of the questions are therefore only applicable to that country. But others are of general application, for example "Are you eliminating, in so far as possible, peak loads (such as pay roll preparations) by rescheduling operations and thus avoiding overtime and excessive staffing?"

Human Relations in Public Administration.

An exploratory report on research possibilities by Public Administration Clearing House, Chicago. 1949. Pp. 23. No price.

Annotated bibliography by ALFRED DE GRAZIA. 1949. Pp. 52. \$1.50.

BOTH the report and the bibliography are published by Public Administration Clearing House, 1313, East 60th Street, Chicago. It is hoped to review these interesting publications in our next issue.

Recent Government Publications of Special Interest to those interested in Public Administration.

Industrial salvage and recovery: a handbook compiled by the National Industrial Salvage and Recovery Council. Pp. 40. 1950. 9d.

A very useful practical outline of salvage location, recovery, use and disposal, with a two page bibliography.

Assurance Companies Acts, 1909-1946.—
Summary of statements of assurance
business deposited with the Board of
Trade during the year ended 31st Decem-
ber, 1949. Pp. 48. 4s.

British Imperial Calendar and Civil Service
List. 1950. Pp. xii., 1216. 15s.

This invaluable reference book becomes
larger every year, a sign of the times.
The detailed information on the Royal
households, the Cabinet, officers of
Parliament and the various public de-
partments is followed by a complete
alphabetical list of officers. No reference
library can afford to ignore this
volume.

Central Office of Information. Annual re-
port 1948-49. Cmd. 7830. Pp. 47. 9d.

Central Statistical Office. Annual abstract of
statistics No. 86, 1938-1948. 12s. 6d.
Annual totals are for calendar years ended
31st December and cover the United
Kingdom only. The index of sources
forms a valuable bibliography of official
statistical information.

Monthly digest of statistics. Nos. 47-49.
November, 1949. December, 1949,
January, 1950. 2s. 6d. each.

Supplement: Definitions and explanatory
notes, revised January, 1950. 9d.

Appointments in His Majesty's Colonial Ser-
vice. Pp. 111. Map, bibliog. 1950. 1s.
A guide for persons resident outside the
colonies themselves who wish to have
information regarding the academical,
professional and technical qualifications
required for the various posts.

Colonial Annual Reports for 1948:—

Bahamas. 2s. 6d.

British Honduras. 2s. 6d.

Cyprus. 2s.

Dominica. 1s. 6d.

Gilbert and Ellice Islands. 1s. 6d.

Hong Kong. 10s. 6d.

Malaya. 7s.

Nigeria. 3s. 6d.

Nyasaland. 2s.

St. Helena. 2s.

Sierra Leone. 2s.

Zanzibar. 1s. 6d.

Bibliographies, illustrations and maps are
a feature of these reports.

Journal of African administration. Vol. 1,
No. 4, October, 1949. 1s. 6d.

"Local Government in the Sudan" by
L. Branney, is a factual account of the
main proposals by Dr. Marshall in his
report to the Sudan Government.

Vol. II, No. 1, January, 1950.

Constitutional developments in West and

East Africa receive special attention in
this issue—Gold Coast, Nigeria, Tan-
ganyika. "Local Government reform in
the Gold Coast" surveys the proposals
of the Coussey Committee, while "Local
Government reform in the Eastern pro-
vinces of Nigeria" is a revision of the
memorandum on local government policy
in the Eastern Provinces, 16th July, 1949.

Overseas education. Vol. XXI. No. 1.
Oct. 1949. 1s. 3d.

Contains an important article by Jean
Capelle on "Education in French West
Africa."

Commissioners of Customs and Excise. 40th
report, year ended 31st March, 1949. Cmd.
7834. 3s.

Sudan, No. 1 (1949): Report by the
Governor-General on the administration,
finances, and conditions of the Sudan in
1947. Cmd. 7835. Pp. 234. 4s.

Despite political and labour troubles,
foreign trade was about 50 per cent.
above previous highest figures, purchasing
power has increased substantially, and
cost of living rose appreciably. Public
health was satisfactory. 9,000 more
students were attending government
schools than in 1946. Sudanese occupied
84.97 per cent. of the classified posts in
the Civil Service.

Parliamentary constituencies (Elections) (Eng-
land, Wales and N. Ireland). Cmd. 7804.
Pp. 10. 1949. 4d.

Scottish Office. Parliamentary constituencies
(Electors) (Scotland). Cmd. 7841. Pp. 4.
1949. 2d.

Report of the Committee on Police conditions
of service. Part II. Cmd. 7831.
Pp. 124. 1949. 2s.

Qualifications, promotion, discipline,
housing, police organisations, etc.

House of Commons. Standing Committees,
session 1948-49. Official report. Vol. 1.
Cols. 2978. Index. pp. 52. 1950. 42s.

This volume contains The Iron and Steel
Bill; The Coal Industry Bill, and the
Licensing Bill reports.

Wales and Monmouthshire: report of govern-
ment action for the year ended 30th June,
1949. Cmd. 7820. 1s. 3d.

Second report of the Agricultural Land
Commission for the year ended 31st March,
1949. H.C. 286. Pp. 22. 6d.

River Boards: a guide to their powers and
functions. Pp. viii, 81. 1950. 2s.

Primarily intended for members and
officers of river boards, but should also
be valuable to local authorities and other

- bodies concerned with river matters, land drainage and the prevention of pollution.
- Education. Costing statistics for England and Wales, 1946-47 and 1947-48; cost per pupil and cost of administration and inspection. Pp. 50. 1950. 1s.
- Chief Medical Officer to Ministry of Education Report for the years 1946 and 1947. 1949. 3s.
- Report of Minister of Fuel and Power on Electricity for the period ended 31st March, 1949. H.C. 351. Pp. 17. 6d.
- Hospitals' directory, England and Wales. Oct. 1949.
Regional areas, giving Boards and Management Committees, numbers of beds, and alphabetical index.
- Housing Management. (1945). 1949. 9d.
Housing Manual, 1949. 168 illus. and plans. 3s. 6d.
Site planning; grouping of dwelling; planning and standards of accommodation; heating; new methods of construction.
- National Health Service.
The development of consultant services. Pp. 39. 1950. 9d.
- Choice of Careers. N.S. No. 4—Librarianship. 1949. 4d.
39—Social Work. Pp. 81. 4d.
- Factories. Annual report of the Chief Inspector for the year 1948. Cmd. 7839. 1949. 3s.
- Industrial Relations Handbook. Supplement No. 3. December 1949. Joint consultation in industry. Pp. 100. 2s.
Arrangements made by the national joint organisations in the largest industries with regard to the establishment of joint consultative machinery.
- International Labour Conference, 32nd session, Geneva, 8th June to 2nd July, 1949. Report by the delegates of H.M.'s Government. Cmd. 7852. Pp. 113. 3s. 6d.
- Report of Ministry of Labour and National Service for 1948. Cmd. 7822. Pp. viii, 151. 3s.
Man-power, the services of the Ministry, industrial relations, international labour relations, and the organisation of the Ministry.
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